



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House Amendment 1251

PAG LIN

1 1 Amend House File 483 as follows:
1 2 #1. Page 1, line 11, by striking <underground.> and
1 3 inserting <underground, but does not include any public
1 4 construction contracts relating to streets, roads, or
1 5 highways.>
1 6 #2. By renumbering as necessary.

HORBACH of Tama
HF483.1322 (1) 84
je/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House Amendment 1252

PAG LIN

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1 1      Amend House File 584 as follows:
1 2 #1.  Page 1, by striking line 34 and inserting
1 3 <suspension or revocation of a driver's license under
1 4 the habitual violator or habitual offender>
1 5 #2.  By renumbering as necessary.
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HANSON of Jefferson
HF584.1318 (4) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 591 - Introduced

HOUSE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO HSB 203)

(COMPANION TO LSB
2715SV BY COMMITTEE ON
AGRICULTURE)

A BILL FOR

1 An Act relating to livestock by providing for their feeding and
2 care when the livestock are deemed to be neglected.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2715HV (1) 84
da/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 591 - Introduced continued

PAG LIN

1 1 Section 1. INTENT OF THE GENERAL ASSEMBLY. It is the intent
1 2 of the general assembly to enact legislation relating to the
1 3 feeding and care of livestock that are deemed by a court to be
1 4 neglected.

1 5 EXPLANATION

1 6 This bill provides that it is the intent of the general
1 7 assembly to enact legislation relating to the feeding and care
1 8 of livestock that are deemed by a court to be neglected.

LSB 2715HV (1) 84

da/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 592 - Introduced

HOUSE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO HF 407)

A BILL FOR

1 An Act establishing the council for agricultural education.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TLBSB 2538HV (1) 84
 je/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 592 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 256.32 Council for agricultural
1 2 education.
1 3 1. An advisory council for agricultural education is
1 4 established, which consists of nine members appointed by the
1 5 governor. The nine members shall include the following:
1 6 a. Five persons representing all areas of agriculture and
1 7 diverse geographical areas.
1 8 b. The individual representing agriculture on the state
1 9 council for vocational education.
1 10 c. A secondary school program instructor, a postsecondary
1 11 school program instructor, and a teacher educator.
1 12 2. The council may also include as ex officio members the
1 13 following persons, as determined by the voting members of the
1 14 council:
1 15 a. The state future farmers of America president.
1 16 b. The current state future farmers of America alumni
1 17 association president.
1 18 c. The current postsecondary agriculture students president.
1 19 d. The current young farmers educational association
1 20 president.
1 21 e. A state consultant in agricultural education.
1 22 f. The secretary of agriculture or the secretary's designee.
1 23 g. Two members of each house of the general assembly. This
1 24 membership shall be bipartisan in composition and one member
1 25 each shall be selected by the president of the senate, after
1 26 consultation with the majority leader of the senate, and by the
1 27 minority leader of the senate, and one member each shall be
1 28 selected by the speaker of the house of representatives and by
1 29 the minority leader of the house of representatives.
1 30 3. The duties of the council are to review, develop,
1 31 and recommend standards for secondary and postsecondary
1 32 agricultural education. The council shall annually issue a
1 33 report to the state board of education and the chairpersons
1 34 of the house and senate agriculture and education committees
1 35 regarding both short-term and long-term curricular standards



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House File 592 - Introduced continued

2 1 for agricultural education and the council's activities. The
2 2 council shall meet a minimum of twice annually, and must have
2 3 a quorum consisting of a majority of voting members present
2 4 to hold an official meeting and to take any final council
2 5 action. However, hearings may be held without a quorum. The
2 6 chairperson shall be elected annually by and from the voting
2 7 membership. The initial organizational meeting shall be called
2 8 by the director of the department of education.

2 9 4. The term of membership is three years. The terms shall
2 10 be staggered so that three of the terms end each year, but no
2 11 member serving on the initial council shall serve less than one
2 12 year. The governor shall determine the length of the initial
2 13 terms of office. However, the terms of office for members of
2 14 the general assembly shall be as provided in section 69.16B.

2 15 EXPLANATION

2 16 This bill establishes the council for agricultural education
2 17 as repealed by 2010 Acts, chapter 1031. The council shall
2 18 consist of nine voting members appointed by the governor
2 19 including five persons representing all areas of agriculture
2 20 and diverse geographical areas, the individual representing
2 21 agriculture on the state council for vocational education, a
2 22 secondary school program instructor, a postsecondary school
2 23 program instructor, and a teacher educator. The council
2 24 may also include as ex officio nonvoting members the state
2 25 future farmers of America president, the current state future
2 26 farmers of America alumni association president, the current
2 27 postsecondary agriculture students president, the current young
2 28 farmers educational association president, a state consultant
2 29 in agricultural education, the secretary of agriculture or
2 30 the secretary's designee, and two members of each house of
2 31 the general assembly. The bill provides that the legislative
2 32 members shall be bipartisan in composition and sets out
2 33 procedures for their appointment.

2 34 The bill sets out duties and procedures for the council,
2 35 including reviewing, developing, and recommending standards for



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House File 592 - Introduced continued

3 1 secondary and postsecondary agricultural education and issuing
3 2 an annual report to the state board of education and the house
3 3 and senate agriculture and education committees. The term of
3 4 membership for the council is three years.

LSB 2538HV (1) 84

je/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 593 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 304)

A BILL FOR

1 An Act relating to the education requirements for licensed
2 massage therapists.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TLSB 2590HV (1) 84
 jr/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 593 - Introduced continued

PAG LIN

1 1 Section 1. Section 152C.3, subsection 1, paragraph a, Code
1 2 2011, is amended to read as follows:
1 3 a. Completion of a curriculum of massage education at a
1 4 school approved by the board which requires for admission
1 5 a diploma from an accredited high school or the equivalent
1 6 and requires completion of at least ~~five~~ six hundred hours
1 7 of supervised academic instruction. However, educational
1 8 requirements under this paragraph are subject to reduction
1 9 by the board if, after public notice and hearing, the board
1 10 determines that the welfare of the public may be adequately
1 11 protected with fewer hours of education.

1 12 EXPLANATION

1 13 This bill raises the educational requirement for licensed
1 14 massage therapists from 500 to 600 hours of supervised academic
1 15 instruction.

LSB 2590HV (1) 84

jr/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 594 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 350)

A BILL FOR

1 An Act relating to the rights of members of a residential
2 cooperative, owners of a condominium, or owners of certain
3 other residential property.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1647HV (1) 84

jr/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 594 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 335.26 Display of American flag
1 2 or campaign signs.
1 3 A regulation or restriction pertaining to the use of
1 4 residential property that prohibits the display of the American
1 5 flag or the display of a political sign within six weeks of the
1 6 day of an election, is void as against the public policy of
1 7 this state and shall not be given legal or equitable effect.
1 8 Sec. 2. Section 499A.2A, Code 2011, is amended to read as
1 9 follows:
1 10 499A.2A Bylaws.
1 11 1. The initial bylaws of the cooperative shall be adopted by
1 12 the cooperative's board of directors. Prior to the admission
1 13 of members to the cooperative, the power to alter, amend, or
1 14 repeal the bylaws or adopt new bylaws is vested in the board
1 15 of directors. Following the admission of members to the
1 16 cooperative, the power to alter, amend, or repeal the bylaws or
1 17 adopt new bylaws is vested in the members in accordance with
1 18 the method set forth in the bylaws.
1 19 2. The bylaws may contain any provisions for the
1 20 regulation and management of the affairs of the cooperative
1 21 not inconsistent with law or the articles of incorporation.
1 22 However, the bylaws must provide for:
1 23 ~~1.~~ a. The number of members of the board of directors and
1 24 the term of the members.
1 25 ~~2.~~ b. The election of a president, vice president,
1 26 treasurer, and secretary by the board of directors.
1 27 ~~3.~~ c. The qualifications, powers and duties, terms of
1 28 office, and manner of electing and removing board members and
1 29 officers and filling vacancies of such members.
1 30 ~~4.~~ d. The method of amending the bylaws.
1 31 3. The bylaws shall not prohibit or restrict a member from:
1 32 a. Displaying the flag of the United States on residential
1 33 property in which the member has a separate ownership interest
1 34 or a right to exclusive possession or use.
1 35 b. Displaying political signs for six weeks prior to the day



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 594 - Introduced continued

2 1 of an election.

2 2 Sec. 3. Section 499B.15, Code 2011, is amended to read as
2 3 follows:

2 4 499B.15 Contents of bylaws.

2 5 1. The bylaws must provide for at least the following:

2 6 ~~1.~~ a. The form of administration, indicating whether
2 7 this shall be in charge of an administrator or of a board of
2 8 administration, or otherwise, and specifying the powers, manner
2 9 of removal, and, where proper, the compensation thereof.

2 10 ~~2.~~ b. If the form of administration is a board of
2 11 administration, board meetings must be open to all apartment
2 12 owners except for meetings between the board and its attorney
2 13 with respect to proposed or pending litigation where the
2 14 contents of the discussion would otherwise be governed by
2 15 the attorney-client privilege. Notice of each board meeting
2 16 must be mailed or delivered to each apartment owner at least
2 17 seven days before the meeting. Minutes of meetings of the
2 18 board of administration must be maintained in written form
2 19 or in another form that can be converted into written form
2 20 within a reasonable time. The official records of the board
2 21 of administration must be open to inspection and available for
2 22 photocopying at reasonable times and places. Any action taken
2 23 by a board of administration at a meeting that is in violation
2 24 of any of the provisions of this subsection is not valid or
2 25 enforceable.

2 26 ~~3.~~ c. Method of calling or summoning the co-owners
2 27 to assemble; what percentage, if other than a majority of
2 28 apartment owners, shall constitute a quorum; who is to preside
2 29 over the meeting and who will keep the minute book wherein the
2 30 resolutions shall be recorded.

2 31 ~~4.~~ d. Maintenance, repair, and replacement of the common
2 32 areas and facilities and payments therefor including the method
2 33 of approving payment vouchers.

2 34 ~~5.~~ e. Manner of collecting from the apartment owners their
2 35 share of the common expenses.



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Daily Bills, Amendments & Study Bills

House File 594 - Introduced continued

3 1 ~~6.~~ f. Designation and removal of personnel necessary for
3 2 the maintenance, repair, and replacement of the common areas
3 3 and facilities.
3 4 ~~7.~~ g. The percentage of votes required to amend the bylaws.
3 5 2. The bylaws shall not prohibit or restrict an owner from:
3 6 a. Displaying the flag of the United States on residential
3 7 property in which the owner has a separate ownership interest
3 8 or a right to exclusive possession or use.
3 9 b. Displaying political signs for six weeks prior to the day
3 10 of an election.
3 11 Sec. 4. NEW SECTION. 558B.1 Display of American flag or
3 12 campaign signs.
3 13 A restriction, reservation, condition, exception, or
3 14 covenant in a subdivision plan, warranty deed, or other
3 15 instrument of or pertaining to the transfer, sale, lease, or
3 16 use of residential property that prohibits the display of the
3 17 American flag or the display of a political sign within six
3 18 weeks of the day of an election, is void as against the public
3 19 policy of this state and shall not be given legal or equitable
3 20 effect.

3 21 EXPLANATION
3 22 This bill provides that a person whose residence is part of
3 23 a cooperative or condominium, or whose residence is governed
3 24 by a restrictive covenant or other restrictive conditions may
3 25 display the American flag on that property under the person's
3 26 control. The person may also display political signs for six
3 27 weeks prior to the day of an election.

LSB 1647HV (1) 84
jr/sc



**Iowa General Assembly
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House File 595 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 186)

(COMPANION TO LSB
2674SV BY COMMITTEE ON
COMMERCE)

A BILL FOR

1 An Act relating to residential contractors and providing a
2 penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2674HV (2) 84
je/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 595 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 103A.71 Residential contractors.
1 2 1. As used in this section:
1 3 a. "Residential contractor" means a person in the business
1 4 of contracting to repair or replace roof systems or perform
1 5 any other exterior repair, replacement, construction, or
1 6 reconstruction work on residential real estate or a person
1 7 offering to contract with an owner or possessor of residential
1 8 real estate to carry out such work.
1 9 b. "Residential real estate" means a new or existing
1 10 building, including a detached garage, constructed for
1 11 habitation by one to four families.
1 12 c. "Roof system" includes roof coverings, roof sheathing,
1 13 roof weatherproofing, and roof insulation.
1 14 2. A residential contractor shall not advertise or promise
1 15 to pay anything of value or rebate any insurance deductible
1 16 or any portion thereof as an inducement to the sale of goods
1 17 or services. A promise to pay anything of value or rebate
1 18 any insurance deductible includes granting any allowance or
1 19 offering any discount against the fees to be charged or paying
1 20 an insured or a person directly or indirectly associated with
1 21 the property any form of compensation, gift, prize, bonus,
1 22 coupon, credit, referral fee, or other item of monetary value
1 23 for any reason, including but not limited to permitting the
1 24 residential contractor to display a sign or any other type of
1 25 advertisement at the insured's premises.
1 26 3. A person who has entered into a written contract with
1 27 a residential contractor providing goods or services to be
1 28 paid from the proceeds of a property and casualty insurance
1 29 policy may cancel the contract prior to midnight on the fifth
1 30 business day after the person has received written notice from
1 31 the person's insurer that all or part of the claim or contract
1 32 is not a covered loss under the insurance policy. Cancellation
1 33 shall be evidenced by the person giving written notice of the
1 34 cancellation to the residential contractor at the address of
1 35 the residential contractor's place of business as stated in



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House File 595 - Introduced continued

2 1 the contract. Notice of cancellation given by mail shall be
2 2 effective upon deposit into the United States mail with prepaid
2 3 postage, if properly addressed to the residential contractor.
2 4 Notice of cancellation need not take a particular form, and
2 5 is sufficient if the notice indicates, by any form of written
2 6 expression, the intent of the insured not to be bound by the
2 7 contract.

2 8 4. Before entering into a contract to provide goods or
2 9 services to be paid from the proceeds of a property and
2 10 casualty insurance policy, a residential contractor shall
2 11 provide the insured along with the contract all of the
2 12 following documents in substantially the following form:

2 13 a. The following statement in at least ten=point bold type:

2 14 RIGHT OF CANCELLATION

2 15 You may cancel this contract at any time before midnight
2 16 on the fifth business day after you have received written
2 17 notification from your insurer that all or any part of the
2 18 claim or contract is not a covered loss under your insurance
2 19 policy. See the attached notice of cancellation form for an
2 20 explanation of this right.

2 21 b. A fully completed duplicate form which shall be attached
2 22 to the contract, but easily detachable, and which shall contain
2 23 the following statement in at least ten=point bold type:

2 24 NOTICE OF CANCELLATION

2 25 If you are notified by your insurer that all or any part
2 26 of the claim or contract is not a covered loss under your
2 27 insurance policy, you may cancel the contract by mailing
2 28 or delivering a signed and dated copy of this cancellation
2 29 notice or any other written notice of cancellation to (name of
2 30 contractor) at (address of contractor's place of business) at
2 31 any time prior to midnight on the fifth business day after you
2 32 have received such notice from your insurer. If you cancel the
2 33 contract, any payments made by you under the contract will be
2 34 returned to you within ten business days following receipt by
2 35 the contractor of your cancellation notice.



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 595 - Introduced continued

3 1 I hereby cancel this contract.

3 2 _____

3 3 Date

3 4 _____

3 5 Insured's signature

3 6 5. Within ten days after a contract to provide goods
3 7 or services to be paid from the proceeds of a property and
3 8 casualty insurance policy has been canceled by notification
3 9 pursuant to this section, the residential contractor shall
3 10 tender to the person canceling the contract any payments,
3 11 partial payments, or deposits made by the person and any note
3 12 or other evidence of indebtedness. However, if the residential
3 13 contractor has performed any emergency services, acknowledged
3 14 by the person in writing to be necessary to prevent damage to
3 15 the premises, the residential contractor shall be entitled to
3 16 be paid the reasonable value of such services. Any provision
3 17 in a contract to provide goods or services to be paid from
3 18 the proceeds of a property and casualty insurance policy that
3 19 requires the payment of any fee which is not for emergency
3 20 services shall not be enforceable against any person who has
3 21 canceled a contract pursuant to this section.

3 22 6. A residential contractor shall not represent or
3 23 negotiate on behalf of, or offer or advertise to represent or
3 24 negotiate on behalf of, an owner or possessor of residential
3 25 real estate on any insurance claim in connection with the
3 26 repair or replacement of roof systems, or the performance
3 27 of any other exterior repair, replacement, construction, or
3 28 reconstruction work on the residential real estate.

3 29 7. A residential contractor violating this section is
3 30 subject to the penalties and remedies prescribed by this
3 31 chapter.

3 32 Sec. 2. APPLICABILITY. This Act applies to contracts
3 33 entered into on or after the effective date of this Act.

3 34 EXPLANATION

3 35 This bill prohibits a residential contractor from



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House File 595 - Introduced continued

4 1 advertising or promising to pay anything of value or rebate any
4 2 insurance deductible or any portion thereof as an inducement
4 3 to the sale of goods or services. The bill specifies that such
4 4 a promise to pay or rebate includes granting any allowance or
4 5 offering any discount against the fees to be charged or paying
4 6 an insured or a person associated with the property any form
4 7 of compensation, gift, prize, bonus, coupon, credit, referral
4 8 fee, or other item of monetary value for any reason, including
4 9 permitting the residential contractor to display a sign or any
4 10 other type of advertisement at the insured's premises.

4 11 The bill provides that a person who has entered into a
4 12 written contract with a residential contractor to provide
4 13 goods or services to be paid from the proceeds of a property
4 14 and casualty insurance policy may cancel the contract prior
4 15 to midnight on the fifth business day after the person has
4 16 received written notice from the insurer that all or part of
4 17 the claim or contract is not a covered loss under the insurance
4 18 policy. The bill specifies that cancellation is evidenced by
4 19 the person giving written notice of the cancellation to the
4 20 residential contractor at the residential contractor's address
4 21 as stated in the contract. The bill provides that notice
4 22 of cancellation given by mail becomes effective upon deposit
4 23 into the United States mail with prepaid postage, if properly
4 24 addressed to the residential contractor. The bill specifies
4 25 that notice of cancellation need not take a particular form,
4 26 and is sufficient if the notice indicates, by any form of
4 27 written expression, the intent of the insured not to be bound
4 28 by the contract.

4 29 The bill provides that before entering into a contract
4 30 to provide goods or services to be paid from the proceeds
4 31 of a property and casualty insurance policy, a residential
4 32 contractor must provide the insured with two documents, which
4 33 must be formatted substantially as set out in the bill, along
4 34 with the contract. The first document notifies the person of
4 35 the person's right to cancel the contract at any time before



**Iowa General Assembly
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House File 595 - Introduced continued

5 1 midnight on the fifth business day after receiving written
5 2 notification from the person's insurer that all or any part of
5 3 the claim or contract is not a covered loss under the person's
5 4 insurance policy. The first document must direct the attention
5 5 of the person to the second document, which must be attached
5 6 to the contract. The second document is a cancellation notice
5 7 which the person may return to the residential contractor to
5 8 exercise the person's cancellation rights as provided by the
5 9 bill.

5 10 The bill provides that within 10 days after a contract to
5 11 provide goods or services to be paid from the proceeds of
5 12 a property and casualty insurance policy has been canceled
5 13 pursuant to the bill, the residential contractor must tender
5 14 to the person any payments, partial payments, or deposits made
5 15 by the person and any note or other evidence of indebtedness.
5 16 The bill provides that if the residential contractor performed
5 17 any emergency services which were acknowledged by the insured
5 18 in writing to be necessary to prevent damage to the premises,
5 19 the residential contractor shall be entitled to the reasonable
5 20 value of such services. The bill provides that any provision
5 21 in a contract to provide goods or services to be paid from
5 22 the proceeds of a property and casualty insurance policy that
5 23 requires the payment of a fee which is not for emergency
5 24 services is unenforceable against any person who has canceled a
5 25 contract pursuant to the bill.

5 26 The bill prohibits a residential contractor from
5 27 representing or negotiating on behalf of, or offering or
5 28 advertising to represent or negotiate on behalf of, an owner
5 29 or possessor of residential real estate on any insurance claim
5 30 in connection with the repair or replacement of roof systems,
5 31 or the performance of any other exterior repair, replacement,
5 32 construction, or reconstruction work.

5 33 A violation of the bill by a residential contractor is a
5 34 simple misdemeanor pursuant to Code section 103A.21(3). A
5 35 simple misdemeanor is punishable by confinement for no more



**Iowa General Assembly
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House File 595 - Introduced continued

6 1 than 30 days or a fine of at least \$65 but not more than \$625
6 2 or by both. The state building code commissioner may file a
6 3 petition in the district court and obtain injunctive relief for
6 4 any violation of the bill pursuant to Code section 103A.21(3).
6 5 The bill applies to contracts entered into on or after the
6 6 effective date of the bill.

LSB 2674HV (2) 84

je/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 596 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 217)

A BILL FOR

1 An Act exempting certain nonprofit corporations organized to
2 benefit economic activities in small cities from certain
3 security regulations.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2733HV (2) 84
da/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 596 - Introduced continued

PAG LIN

1 1 Section 1. Section 502.201, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 9F. A security issued, insured, or
1 4 guaranteed by a nonprofit corporation organized under the
1 5 provisions of chapter 504, if all of the following apply:

1 6 a. The nonprofit corporation is organized and operates
1 7 for the exclusive purpose of supporting economic development
1 8 efforts within a city having a population of two thousand or
1 9 less according to the certified federal census.

1 10 b. No part of the net earnings of the nonprofit corporation
1 11 inures to the benefit of a private stockholder or other person.

1 12 EXPLANATION

1 13 This bill provides that a security issued, insured, or
1 14 guaranteed by a nonprofit corporation is exempt from certain
1 15 securities registration requirements under Code chapter 502.
1 16 The nonprofit corporation must be organized and operate for the
1 17 exclusive purpose of supporting economic development efforts
1 18 within a city having a population of 2,000 or less, and no part
1 19 of the net earnings of the nonprofit corporation can inure to
1 20 the benefit of a private stockholder or other person.

LSB 2733HV (2) 84

da/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 597 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 200)

A BILL FOR

1 An Act creating new procedures for external review of health
2 care coverage decisions by health carriers and including
3 transition and applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1334HV (1) 84

av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 597 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514J.101 Purpose ==== applicability.
1 2 The purpose of this chapter is to provide uniform standards
1 3 for the establishment and maintenance of external review
1 4 procedures to assure that covered persons have the opportunity
1 5 for an independent review of an adverse determination or final
1 6 adverse determination made by a health carrier as required
1 7 by the federal Patient Protection and Affordable Care Act,
1 8 Pub. L. No. 111=148, as amended by the federal Health Care and
1 9 Education Reconciliation Act of 2010, Pub. L. No. 111=152,
1 10 which amends the Public Health Service Act and adopts, in part,
1 11 new 42 U.S.C. { 300gg=19, and to address issues which are
1 12 unique to the external review process in this state.
1 13 Sec. 2. NEW SECTION. 514J.102 Definitions.
1 14 As used in this chapter, unless the context otherwise
1 15 requires:
1 16 1. "Adverse determination" means a determination by a health
1 17 carrier that an admission, availability of care, continued
1 18 stay, or other health care service that is a covered benefit
1 19 has been reviewed and, based upon the information provided,
1 20 does not meet the health carrier's requirements for medical
1 21 necessity, appropriateness, health care setting, level of care,
1 22 or effectiveness, and the requested service or payment for the
1 23 service is therefore denied, reduced, or terminated. "Adverse
1 24 determination" does not include a denial of coverage for a
1 25 service or treatment specifically listed in plan or evidence
1 26 of coverage documents as excluded from coverage, or a denial
1 27 of coverage for a service or treatment that has already been
1 28 received and for which the covered person has no financial
1 29 liability.
1 30 2. "Authorized representative" means any of the following:
1 31 a. A person to whom a covered person has given express
1 32 written consent to represent the covered person in an external
1 33 review.
1 34 b. A person authorized by law to provide substituted consent
1 35 for a covered person.



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House File 597 - Introduced continued

2 1 c. A family member of the covered person when the covered
2 2 person is unable to provide consent.
2 3 d. The covered person's treating health care professional
2 4 when the covered person is unable to provide consent.
2 5 3. "Best evidence" means evidence based on randomized
2 6 clinical trials. If randomized clinical trials are not
2 7 available, "best evidence" means evidence based on cohort
2 8 studies or case=control studies. If randomized clinical
2 9 trials, cohort studies, or case=control studies are not
2 10 available, "best evidence" means evidence based on case=series
2 11 studies. If none of these are available, "best evidence" means
2 12 evidence based on expert opinion.
2 13 4. "Case=control study" means a retrospective evaluation
2 14 of two groups of patients with different outcomes to determine
2 15 which specific interventions the patients received.
2 16 5. "Case=series study" means an evaluation of a series
2 17 of patients with a particular outcome, without the use of a
2 18 control group.
2 19 6. "Certification" means a determination by a health carrier
2 20 that an admission, availability of care, continued stay, or
2 21 other health care service has been reviewed and, based on
2 22 the information provided, satisfies the health carrier's
2 23 requirements for medical necessity, appropriateness, health
2 24 care setting, level of care, and effectiveness.
2 25 7. "Clinical review criteria" means the written screening
2 26 procedures, decision abstracts, clinical protocols, and
2 27 practice guidelines used by a health carrier to determine the
2 28 necessity and appropriateness of health care services.
2 29 8. "Cohort study" means a prospective evaluation of two
2 30 groups of patients with only one group of patients receiving a
2 31 specific intervention.
2 32 9. "Commissioner" means the commissioner of insurance.
2 33 10. "Covered benefits" or "benefits" means those health care
2 34 services to which a covered person is entitled under the terms
2 35 of a health benefit plan.



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- 3 1 11. "Covered person" means a policyholder, subscriber,
3 2 enrollee, or other individual participating in a health benefit
3 3 plan.
- 3 4 12. "Disclose" means to release, transfer, or otherwise
3 5 divulge protected health information to any person other than
3 6 the individual who is the subject of the protected health
3 7 information.
- 3 8 13. "Emergency medical condition" means the sudden and, at
3 9 the time, unexpected onset of a health condition or illness
3 10 that requires immediate medical attention, where failure to
3 11 provide medical attention would result in a serious impairment
3 12 to bodily functions, serious dysfunction of a bodily organ or
3 13 part, or would place the person's health in serious jeopardy.
- 3 14 14. "Emergency services" means health care items and
3 15 services furnished or required to evaluate and treat an
3 16 emergency medical condition.
- 3 17 15. "Evidence-based standard" means the conscientious,
3 18 explicit, and judicious use of the current best evidence based
3 19 on the overall systematic review of the research in making
3 20 decisions about the care of individual patients.
- 3 21 16. "Expert opinion" means a belief or an interpretation
3 22 by specialists with experience in a specific area about
3 23 the scientific evidence pertaining to a particular service,
3 24 intervention, or therapy.
- 3 25 17. "Facility" means an institution providing health
3 26 care services or a health care setting, including but not
3 27 limited to hospitals and other licensed inpatient centers,
3 28 ambulatory surgical or treatment centers, skilled nursing
3 29 centers, residential treatment centers, diagnostic, laboratory
3 30 and imaging centers, and rehabilitation and other therapeutic
3 31 health settings.
- 3 32 18. "Final adverse determination" means an adverse
3 33 determination involving a covered benefit that has been upheld
3 34 by a health carrier at the completion of the health carrier's
3 35 internal grievance process.



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- 4 1 19. "Health benefit plan" means a policy, contract,
4 2 certificate, or agreement offered or issued by a health carrier
4 3 to provide, deliver, arrange for, pay for, or reimburse any of
4 4 the costs of health care services.
- 4 5 20. "Health care professional" means a physician or other
4 6 health care practitioner licensed, accredited, registered, or
4 7 certified to perform specified health care services consistent
4 8 with state law.
- 4 9 21. "Health care provider" or "provider" means a health care
4 10 professional or a facility.
- 4 11 22. "Health care services" means services for the diagnosis,
4 12 prevention, treatment, cure, or relief of a health condition,
4 13 illness, injury, or disease.
- 4 14 23. "Health carrier" means an entity subject to the
4 15 insurance laws and regulations of this state, or subject
4 16 to the jurisdiction of the commissioner, including an
4 17 insurance company offering sickness and accident plans, a
4 18 health maintenance organization, a nonprofit health service
4 19 corporation, a plan established pursuant to chapter 509A
4 20 for public employees, or any other entity providing a plan
4 21 of health insurance, health care benefits, or health care
4 22 services. "Health carrier" includes, for purposes of this
4 23 chapter, an organized delivery system.
- 4 24 24. "Health information" means information or data, whether
4 25 oral or recorded in any form or medium, and personal facts or
4 26 information about events or relationships that relates to any
4 27 of the following:
- 4 28 a. The past, present, or future physical, mental, or
4 29 behavioral health or condition of a covered person or a member
4 30 of the covered person's family.
- 4 31 b. The provision of health care services to a covered
4 32 person.
- 4 33 c. Payment to a health care provider for the provision of
4 34 health care services to a covered person.
- 4 35 25. "Independent review organization" means an entity that



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5 1 conducts independent external reviews of adverse determinations
5 2 and final adverse determinations.
5 3 26. "Medical or scientific evidence" means evidence found in
5 4 any of the following sources:
5 5 a. Peer-reviewed scientific studies published in or accepted
5 6 for publication by medical journals that meet nationally
5 7 recognized requirements for scientific manuscripts and that
5 8 submit most of their published articles for review by experts
5 9 who are not part of the editorial staff.
5 10 b. Peer-reviewed medical literature, including literature
5 11 relating to therapies reviewed and approved by a qualified
5 12 institutional review board, biomedical compendia, and other
5 13 medical literature that meet the criteria of the national
5 14 institutes of health's national library of medicine for
5 15 indexing in index medicus or medline, or of elsevier science
5 16 ltd. for indexing in excerpta medicus or embase.
5 17 c. Medical journals recognized by the United States
5 18 secretary of health and human services under section 1861(t)(2)
5 19 of the federal Social Security Act.
5 20 d. The following standard reference compendia:
5 21 (1) American hospital formulary service drug information.
5 22 (2) Drug facts and comparisons.
5 23 (3) American dental association accepted dental
5 24 therapeutics.
5 25 (4) United States pharmacopoeia drug information.
5 26 e. Findings, studies, or research conducted by or under
5 27 the auspices of federal government agencies and nationally
5 28 recognized federal research institutes, including any of the
5 29 following:
5 30 (1) Federal agency for health care research and quality.
5 31 (2) National institutes of health.
5 32 (3) National cancer institute.
5 33 (4) National academy of sciences.
5 34 (5) Centers for Medicare and Medicaid services.
5 35 (6) Federal food and drug administration.



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6 1 (7) Any national board recognized by the national
6 2 institutes of health for the purpose of evaluating the medical
6 3 value of health care services.
6 4 f. Any other medical or scientific evidence that is
6 5 comparable to the sources listed in paragraphs "a" through "e".
6 6 27. "NAIC" means the national association of insurance
6 7 commissioners.
6 8 28. "Organized delivery system" means an entity system
6 9 authorized under 1993 Iowa Acts, ch. 158, and licensed by the
6 10 director of public health, and performing utilization review.
6 11 29. "Person" means an individual, a corporation, a
6 12 partnership, an association, a joint venture, a joint stock
6 13 company, a trust, an unincorporated organization, any similar
6 14 entity, or any combination of the foregoing.
6 15 30. "Protected health information" means health information
6 16 that meets either of the following descriptions:
6 17 a. Health information that identifies a covered person who
6 18 is the subject of the information.
6 19 b. Health information with respect to which there is a
6 20 reasonable basis to believe that the information could be used
6 21 to identify a covered person.
6 22 31. "Randomized clinical trial" means a controlled,
6 23 prospective study of patients that have been randomized into an
6 24 experimental group and a control group at the beginning of the
6 25 study with only the experimental group of patients receiving a
6 26 specific intervention, which includes study of the groups for
6 27 variables and anticipated outcomes over time.
6 28 Sec. 3. NEW SECTION. 514J.103 Applicability and scope.
6 29 1. Except as provided in subsection 2, this chapter shall
6 30 apply to all health carriers.
6 31 2. This chapter shall not apply to any of the following:
6 32 a. A policy or certificate that provides coverage only for a
6 33 specified disease, specified accident or accident=only, credit,
6 34 disability income, hospital indemnity, long=term care, dental
6 35 care, vision care, or any other limited supplemental benefit.



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- 7 1 b. A Medicare supplement policy of insurance, as defined by
7 2 the commissioner by rule.
- 7 3 c. Coverage under a plan through Medicare, Medicaid, or the
7 4 federal employees health benefits program, any coverage issued
7 5 under 10 U.S.C. ch. 55, and any coverage issued as supplemental
7 6 to that coverage.
- 7 7 d. Any coverage issued as supplemental to liability
7 8 insurance.
- 7 9 e. Workers' compensation or similar insurance.
- 7 10 f. Automobile medical=payment insurance or any insurance
7 11 under which benefits are payable with or without regard to
7 12 fault, whether written on a group blanket or individual basis.
- 7 13 Sec. 4. NEW SECTION. 514J.104 Notice of right to external
7 14 review.
- 7 15 1. A health carrier shall notify a covered person or the
7 16 covered person's authorized representative, if known, in
7 17 writing of the covered person's right to request an external
7 18 review and include the appropriate statements and information
7 19 set forth in this chapter at the time the health carrier sends
7 20 written notice of a final adverse determination.
- 7 21 2. a. The notice shall include the following, or
7 22 substantially equivalent, language:
7 23 We have denied your request for the provision of or payment
7 24 for a health care service or course of treatment. You may
7 25 have the right to have our decision reviewed by health care
7 26 professionals who have no association with us if our decision
7 27 involved making a judgment as to the medical necessity,
7 28 appropriateness, health care setting, level of care, or
7 29 effectiveness of the health care service or treatment you
7 30 requested by submitting a request for external review to the
7 31 commissioner of insurance.
- 7 32 b. The notice shall include the current address and contact
7 33 information for the commissioner as specified in administrative
7 34 rule.
- 7 35 3. The health carrier shall include in the notice a



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8 1 statement informing the covered person or the covered person's
8 2 authorized representative, if known, of the following:
8 3 a. If the covered person has a medical condition pursuant
8 4 to which the time frame for completion of a standard external
8 5 review would seriously jeopardize the life or health of the
8 6 covered person or would jeopardize the covered person's ability
8 7 to regain maximum function, the covered person or the covered
8 8 person's authorized representative may file a request for an
8 9 expedited external review.
8 10 b. If the final adverse determination concerns an admission,
8 11 availability of care, continued stay, or health care service
8 12 for which the covered person received emergency services, but
8 13 has not been discharged from a facility, the covered person or
8 14 the covered person's authorized representative may request an
8 15 expedited external review.
8 16 c. If the final adverse determination concerns a denial
8 17 of coverage based on a determination that the recommended or
8 18 requested health care service or treatment is experimental
8 19 or investigational as provided in section 514J.109, and the
8 20 covered person's treating health care professional certifies
8 21 in writing that the recommended or requested health care
8 22 service or treatment that is the subject of the recommendation
8 23 or request would be significantly less effective if not
8 24 promptly initiated, the covered person or the covered person's
8 25 authorized representative may request an expedited external
8 26 review.
8 27 4. The health carrier shall include with the notice a copy
8 28 of the descriptions of both the standard and expedited external
8 29 review procedures the health carrier is required to provide
8 30 pursuant to section 514J.116, highlighting the provisions in
8 31 the external review procedures that give the covered person or
8 32 the covered person's authorized representative the opportunity
8 33 to submit additional information and including any forms used
8 34 to process an external review.
8 35 5. The health carrier shall also include with the notice



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9 1 an authorization form, or other document approved by the
9 2 commissioner that complies with the requirements of 45 C.F.R.
9 3 { 164.508 and with Tit. I of the federal Genetic Information
9 4 Nondiscrimination Act of 2008, Pub. L. No. 110=233, 122 Stat.
9 5 881, by which the covered person or the covered person's
9 6 authorized representative authorizes the health carrier and
9 7 the covered person's treating health care provider to disclose
9 8 protected health information, including medical records,
9 9 concerning the covered person that is pertinent to the external
9 10 review.
9 11 Sec. 5. NEW SECTION. 514J.105 Request for external review.
9 12 A covered person or the covered person's authorized
9 13 representative may make a request for an external review of
9 14 a final adverse determination. Except for a request for an
9 15 expedited external review, all requests for external review
9 16 shall be made in writing to the commissioner. The commissioner
9 17 may prescribe by rule the form and content of external review
9 18 requests.
9 19 Sec. 6. NEW SECTION. 514J.106 Exhaustion of internal
9 20 grievance process ==== exceptions ==== expedited external review
9 21 request.
9 22 1. Except as otherwise provided in this section, a request
9 23 for an external review shall not be made until the covered
9 24 person or the covered person's authorized representative has
9 25 exhausted the health carrier's internal grievance process and
9 26 received a final adverse determination.
9 27 2. A covered person or the covered person's authorized
9 28 representative shall be considered to have exhausted the health
9 29 carrier's internal grievance process if the covered person or
9 30 the covered person's authorized representative has filed a
9 31 grievance involving an adverse determination and, except to the
9 32 extent the covered person or the covered person's authorized
9 33 representative requested or agreed to a delay, has not received
9 34 a written decision on the grievance from the health carrier
9 35 within thirty days following the date the covered person or the



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10 1 covered person's authorized representative filed the grievance
10 2 with the health carrier.
10 3 3. A covered person or the covered person's authorized
10 4 representative may file a request for an expedited external
10 5 review of an adverse determination without exhausting the
10 6 health carrier's internal grievance process under either of the
10 7 following circumstances:
10 8 a. The covered person has a medical condition pursuant
10 9 to which the time frame for completion of an internal review
10 10 of the grievance involving an adverse determination would
10 11 seriously jeopardize the life or health of the covered person
10 12 or would jeopardize the covered person's ability to regain
10 13 maximum function as provided in section 514J.108.
10 14 b. The adverse determination involves a denial of
10 15 coverage based on a determination that the recommended or
10 16 requested health care service or treatment is experimental or
10 17 investigational and the covered person's treating physician
10 18 certifies in writing that the recommended or requested health
10 19 care service or treatment that is the subject of the adverse
10 20 determination would be significantly less effective if not
10 21 promptly initiated as provided in section 514J.109.
10 22 4. A request for an external review of an adverse
10 23 determination may be made before the covered person or the
10 24 covered person's authorized representative has exhausted the
10 25 health carrier's internal grievance procedures whenever the
10 26 health carrier agrees to waive the exhaustion requirement.
10 27 If the requirement to exhaust the health carrier's internal
10 28 grievance procedures is waived, the covered person or the
10 29 covered person's authorized representative may file a request
10 30 with the commissioner in writing for a standard external
10 31 review.
10 32 Sec. 7. NEW SECTION. 514J.107 External review ==== standard.
10 33 1. A covered person or the covered person's authorized
10 34 representative may file a written request for an external
10 35 review with the commissioner within four months after any of



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11 1 the following events:

11 2 a. The date of receipt of a final adverse determination.

11 3 b. The failure of a health carrier to issue a written
11 4 decision within thirty days following the date the covered
11 5 person or the covered person's authorized representative filed
11 6 a grievance involving an adverse determination as provided in
11 7 section 514J.106, subsection 2.

11 8 c. The agreement of the health carrier to waive the
11 9 requirement that the covered person or the covered person's
11 10 authorized representative exhaust the health carrier's internal
11 11 grievance procedures before filing a request for external
11 12 review of an adverse determination as provided in section
11 13 514J.106, subsection 4.

11 14 2. Within one business day after the date of receipt of a
11 15 request for external review, the commissioner shall send a copy
11 16 of the request to the health carrier.

11 17 3. Within five business days following the date of receipt
11 18 of the external review request from the commissioner, the
11 19 health carrier shall complete a preliminary review of the
11 20 request to determine whether:

11 21 a. The individual is or was a covered person under the
11 22 health benefit plan at the time the health care service was
11 23 recommended or requested.

11 24 b. The health care service that is the subject of the
11 25 adverse determination or of the final adverse determination,
11 26 is a covered service under the covered person's health benefit
11 27 plan, but for a determination by the health carrier that the
11 28 health care service is not covered because it does not meet
11 29 the health carrier's requirements for medical necessity,
11 30 appropriateness, health care setting, level of care, or
11 31 effectiveness.

11 32 c. The covered person or the covered person's authorized
11 33 representative has exhausted the health carrier's internal
11 34 grievance process, unless the covered person or the covered
11 35 person's authorized representative is not required to exhaust



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12 1 the health carrier's internal grievance process pursuant to
12 2 section 514J.106 or this section.
12 3 d. The covered person or the covered person's authorized
12 4 representative has provided all the information and forms
12 5 required to process an external review request.
12 6 4. Within one business day after completion of a preliminary
12 7 review pursuant to subsection 3, the health carrier shall
12 8 notify the commissioner and the covered person or the covered
12 9 person's authorized representative in writing whether the
12 10 request is complete and whether the request is eligible for
12 11 external review.
12 12 a. If the health carrier determines that the request is not
12 13 complete, the health carrier shall notify the covered person
12 14 or the covered person's authorized representative and the
12 15 commissioner in writing that the request is not complete and
12 16 what information or materials are needed to make the request
12 17 complete.
12 18 b. If the health carrier determines that the request is
12 19 not eligible for external review, the health carrier shall
12 20 issue a notice of initial determination in writing informing
12 21 the covered person or the covered person's authorized
12 22 representative and the commissioner of that determination
12 23 and the reasons the request is not eligible for review. The
12 24 health carrier shall also include a statement in the notice
12 25 informing the covered person or the covered person's authorized
12 26 representative that the health carrier's initial determination
12 27 of ineligibility may be appealed to the commissioner.
12 28 5. The commissioner may specify by rule the form required
12 29 for the health carrier's notice of initial determination and
12 30 any supporting information to be included in the notice.
12 31 6. The commissioner may determine that a request is eligible
12 32 for external review, notwithstanding a health carrier's initial
12 33 determination that the request is not eligible, and refer the
12 34 request for external review. In making this determination, the
12 35 commissioner's decision shall be made in accordance with the



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13 1 terms of the covered person's health benefit plan and shall be
13 2 subject to all applicable provisions of this chapter.
13 3 7. Within one business day after receipt of notice from
13 4 a health carrier that a request for external review is
13 5 eligible for external review or upon a determination by the
13 6 commissioner that a request is eligible for external review,
13 7 the commissioner shall do all of the following:
13 8 a. Assign an independent review organization from the list
13 9 of approved independent review organizations maintained by the
13 10 commissioner and notify the health carrier of the name of the
13 11 assigned independent review organization. The assignment of
13 12 an independent review organization shall be done on a random
13 13 basis among those approved independent review organizations
13 14 qualified to conduct the particular external review based on
13 15 the nature of the health care service that is the subject of
13 16 the adverse determination or final adverse determination and
13 17 other circumstances, including conflict of interest concerns.
13 18 b. Notify the covered person or the covered person's
13 19 authorized representative in writing that the request is
13 20 eligible and has been accepted for external review including
13 21 the name of the assigned independent review organization and
13 22 that the covered person or the covered person's authorized
13 23 representative may submit in writing to the independent review
13 24 organization within five business days following receipt of
13 25 such notice from the commissioner, additional information
13 26 that the independent review organization shall consider
13 27 when conducting the external review. The independent review
13 28 organization may, in the organization's discretion, accept and
13 29 consider additional information submitted by the covered person
13 30 or the covered person's authorized representative after five
13 31 business days.
13 32 8. Within five business days after receipt of notice from
13 33 the commissioner pursuant to subsection 7, the health carrier
13 34 shall provide to the independent review organization the
13 35 documents and any information considered in making the adverse



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14 1 determination or final adverse determination. Failure by the
14 2 health carrier to provide the documents and information within
14 3 the time specified shall not delay the conduct of the external
14 4 review.

14 5 9. If the health carrier fails to provide the documents
14 6 and information within the time specified, the independent
14 7 review organization may terminate the external review and
14 8 make a decision to reverse the adverse determination or final
14 9 adverse determination. Within one business day after making
14 10 such a decision, the independent review organization shall
14 11 notify the covered person or the covered person's authorized
14 12 representative, the health carrier, and the commissioner of its
14 13 decision.

14 14 10. The independent review organization shall review
14 15 all of the information and documents received pursuant to
14 16 subsection 8 and any other information submitted in writing
14 17 to the independent review organization by the covered person
14 18 or the covered person's authorized representative pursuant to
14 19 subsection 7, paragraph "b". Upon receipt of any information
14 20 submitted by the covered person or the covered person's
14 21 authorized representative, the independent review organization
14 22 shall, within one business day, forward the information to the
14 23 health carrier. In reaching a decision the independent review
14 24 organization is not bound by any decisions or conclusions
14 25 reached during the health carrier's internal grievance process.

14 26 11. Upon receipt of information forwarded pursuant to
14 27 subsection 10, a health carrier may reconsider its adverse
14 28 determination or final adverse determination that is the
14 29 subject of the external review.

14 30 a. Reconsideration by the health carrier of its
14 31 determination shall not delay or terminate the external review.
14 32 The external review shall only be terminated if the health
14 33 carrier decides, upon completion of its reconsideration, to
14 34 reverse its determination and provide coverage or payment for
14 35 the health care service that is the subject of the adverse



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15 1 determination or final adverse determination.
15 2 b. Within one business day after making a decision
15 3 to reverse its adverse determination or final adverse
15 4 determination, the health carrier shall notify the covered
15 5 person or the covered person's authorized representative,
15 6 the independent review organization, and the commissioner in
15 7 writing of its decision. The independent review organization
15 8 shall terminate the external review upon receipt of notice
15 9 of the health carrier's decision to reverse its adverse
15 10 determination or final adverse determination.
15 11 12. In addition to the documents and information provided to
15 12 the independent review organization pursuant to this section,
15 13 the independent review organization shall, to the extent the
15 14 information or documents are available and the independent
15 15 review organization considers them appropriate, consider the
15 16 following in reaching a decision:
15 17 a. The covered person's pertinent medical records.
15 18 b. The treating health care professional's recommendation.
15 19 c. Consulting reports from appropriate health care
15 20 professionals and other documents submitted by the health
15 21 carrier, covered person, or the covered person's treating
15 22 physician or other health care professional.
15 23 d. The terms of coverage under the covered person's health
15 24 benefit plan with the health carrier, to ensure that the
15 25 independent review organization's decision is not contrary to
15 26 the terms of coverage under the covered person's health benefit
15 27 plan with the health carrier.
15 28 e. The most appropriate practice guidelines, which shall
15 29 include applicable evidence-based standards and may include any
15 30 other practice guidelines developed by the federal government,
15 31 national or professional medical societies, boards, and
15 32 associations.
15 33 f. Any applicable clinical review criteria developed and
15 34 used by the health carrier.
15 35 g. The opinion of the independent review organization's



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16 1 clinical reviewer after considering the information or
16 2 documents described in paragraphs "a" through "f" to the extent
16 3 the information or documents are available and the clinical
16 4 reviewer considers them relevant.
16 5 13. a. Within forty=five days after the date of receipt
16 6 of a request for an external review, the independent review
16 7 organization shall provide written notice of its decision to
16 8 uphold or reverse the adverse determination or final adverse
16 9 determination of the health carrier to the covered person or
16 10 the covered person's authorized representative, the health
16 11 carrier, and the commissioner.
16 12 b. The independent review organization shall include in its
16 13 decision all of the following:
16 14 (1) A general description of the reason for the request for
16 15 external review.
16 16 (2) The date the independent review organization received
16 17 the assignment from the commissioner to conduct the external
16 18 review.
16 19 (3) The date the external review was conducted.
16 20 (4) The date of the decision.
16 21 (5) The principal reason or reasons for its decision,
16 22 including what applicable evidence=based standards, if any,
16 23 were a basis for its decision.
16 24 (6) The rationale for its decision.
16 25 (7) References to evidence or documentation, including
16 26 evidence=based standards, considered in reaching its decision.
16 27 14. Upon receipt of notice of a decision reversing the
16 28 adverse determination or final adverse determination of the
16 29 health carrier, the health carrier shall immediately approve
16 30 the coverage that was the subject of the determination.
16 31 Sec. 8. NEW SECTION. 514J.108 External review ==== expedited.
16 32 1. Notwithstanding section 514J.107, a covered person or
16 33 the covered person's authorized representative may make an
16 34 oral or written request to the commissioner for an expedited
16 35 external review at the time the covered person or the covered



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17 1 person's authorized representative receives any of the
17 2 following:
17 3 a. An adverse determination that involves a medical
17 4 condition of the covered person for which the time frame for
17 5 completion of an internal review of a grievance involving an
17 6 adverse determination would seriously jeopardize the life or
17 7 health of the covered person or would jeopardize the covered
17 8 person's ability to regain maximum function.
17 9 b. A final adverse determination that involves a medical
17 10 condition where the time frame for completion of a standard
17 11 external review would seriously jeopardize the life or health
17 12 of the covered person or would jeopardize the covered person's
17 13 ability to regain maximum function.
17 14 c. A final adverse determination that concerns an admission,
17 15 availability of care, continued stay, or health care service
17 16 for which the covered person received emergency services, and
17 17 has not been discharged from a facility.
17 18 2. a. Upon receipt of a request for an expedited external
17 19 review, the commissioner shall immediately send written notice
17 20 of the request to the health carrier.
17 21 b. Immediately upon receipt of notice of a request for
17 22 expedited external review, the health carrier shall complete
17 23 a preliminary review of the request to determine whether the
17 24 request meets the eligibility requirements for external review
17 25 set forth in section 514J.107, subsection 3, and this section.
17 26 c. The health carrier shall then immediately issue a
17 27 notice of initial determination informing the commissioner
17 28 and the covered person or the covered person's authorized
17 29 representative of its eligibility determination including
17 30 a statement informing the covered person or the covered
17 31 person's authorized representative of the right to appeal that
17 32 determination to the commissioner.
17 33 d. The commissioner may specify by rule the form required
17 34 for the health carrier's notice of initial determination and
17 35 any supporting information to be included in the notice.



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18 1 3. The commissioner may determine that a request is
18 2 eligible for expedited external review, notwithstanding a
18 3 health carrier's initial determination that the request is
18 4 not eligible. In making a determination, the commissioner's
18 5 decision shall be made in accordance with the terms of the
18 6 covered person's health benefit plan and shall be subject to
18 7 all applicable provisions of this chapter. The commissioner
18 8 shall make a determination pursuant to this subsection as
18 9 expeditiously as possible.

18 10 4. a. Upon receipt of notice from a health carrier
18 11 that a request is eligible for expedited external review or
18 12 upon a determination by the commissioner that a request is
18 13 eligible for expedited external review, the commissioner shall
18 14 immediately assign an independent review organization from the
18 15 list of approved independent review organizations maintained by
18 16 the commissioner to conduct the expedited external review. The
18 17 commissioner shall then immediately notify the health carrier
18 18 and the covered person or the covered person's authorized
18 19 representative of the name of the assigned independent review
18 20 organization.

18 21 b. The assignment of an independent review organization
18 22 shall be done on a random basis among those approved
18 23 independent review organizations qualified to conduct the
18 24 particular external review based on the nature of the health
18 25 care service that is the subject of the adverse determination
18 26 or final adverse determination and other circumstances,
18 27 including conflict of interest concerns.

18 28 5. Upon receiving notice of the independent review
18 29 organization assigned to conduct the expedited external review,
18 30 the health carrier shall provide or transmit all necessary
18 31 documents and information considered in making the adverse
18 32 determination or final adverse determination to the independent
18 33 review organization electronically or by telephone or facsimile
18 34 or any other available expeditious method.

18 35 6. The independent review organization is not bound



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19 1 by any decisions or conclusions reached during the health
19 2 carrier's internal grievance process. The independent review
19 3 organization shall consider the documents and information
19 4 provided by the health carrier, and to the extent the
19 5 information or documents are available and the independent
19 6 review organization considers them appropriate, shall consider
19 7 the following in reaching a decision:
19 8 a. The covered person's pertinent medical records.
19 9 b. The treating health care professional's recommendation.
19 10 c. Consulting reports from appropriate health care
19 11 professionals and other documents submitted by the health
19 12 carrier, covered person or the covered person's authorized
19 13 representative, or the covered person's treating physician or
19 14 other health care professional.
19 15 d. The terms of coverage under the covered person's health
19 16 benefit plan with the health carrier, to ensure that the
19 17 independent review organization's decision is not contrary to
19 18 the terms of coverage under the covered person's health benefit
19 19 plan with the health carrier.
19 20 e. The most appropriate practice guidelines, which shall
19 21 include applicable evidence-based standards and may include any
19 22 other practice guidelines developed by the federal government,
19 23 national or professional medical societies, boards, and
19 24 associations.
19 25 f. Any applicable clinical review criteria developed and
19 26 used by the health carrier.
19 27 g. The opinion of the independent review organization's
19 28 clinical reviewer after considering the information or
19 29 documents described in paragraphs "a" through "f" to the extent
19 30 the information or documents are available and the clinical
19 31 reviewer considers them relevant.
19 32 7. a. As expeditiously as the covered person's medical
19 33 condition or circumstances require, but in no event more than
19 34 seventy-two hours after the date of receipt of an eligible
19 35 request for expedited external review, the assigned independent



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20 1 review organization shall do all of the following:
20 2 (1) Make a decision to uphold or reverse the adverse
20 3 determination or final adverse determination of the health
20 4 carrier.
20 5 (2) Notify the covered person or the covered person's
20 6 authorized representative, the health carrier, and the
20 7 commissioner of its decision.
20 8 b. If the notice given by the independent review
20 9 organization pursuant to paragraph "a" was not in writing,
20 10 within forty=eight hours after providing that notice,
20 11 the independent review organization shall provide written
20 12 confirmation of the decision to the covered person or the
20 13 covered person's authorized representative, the health carrier,
20 14 and the commissioner that includes the information set forth in
20 15 section 514J.107, subsection 13, paragraph "b".
20 16 c. Upon receipt of the notice of decision by an independent
20 17 review organization pursuant to paragraph "a" reversing the
20 18 adverse determination or final adverse determination, the
20 19 health carrier shall immediately approve the coverage that
20 20 was the subject of the adverse determination or final adverse
20 21 determination.
20 22 Sec. 9. NEW SECTION. 514J.109 External review of
20 23 experimental or investigational treatment adverse determinations.
20 24 1. Within four months after the date of receipt of a notice
20 25 of an adverse determination or final adverse determination that
20 26 involves a denial of coverage based on a determination that
20 27 the health care service or treatment recommended or requested
20 28 is experimental or investigational, a covered person or the
20 29 covered person's authorized representative may file a request
20 30 for external review with the commissioner.
20 31 2. Within one business day after the date of receipt of the
20 32 request, the commissioner shall notify the health carrier of
20 33 the request.
20 34 3. Within five business days following the date of receipt
20 35 of notice of a request for external review pursuant to this



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21 1 section, the health carrier shall complete a preliminary review
21 2 of the request to determine whether:
21 3 a. The individual is or was a covered person under the
21 4 health benefit plan at the time the health care service or
21 5 treatment was recommended or requested.
21 6 b. The recommended or requested health care service or
21 7 treatment that is the subject of the adverse determination or
21 8 final adverse determination meets the following conditions:
21 9 (1) Is a covered benefit under the covered person's health
21 10 benefit plan except for the health carrier's determination that
21 11 the service or treatment is experimental or investigational for
21 12 a particular medical condition.
21 13 (2) Is not explicitly listed as an excluded benefit under
21 14 the covered person's health benefit plan with the health
21 15 carrier.
21 16 c. The covered person's treating physician has certified
21 17 that one of the following situations is applicable:
21 18 (1) Standard health care services or treatments have
21 19 not been effective in improving the condition of the covered
21 20 person.
21 21 (2) Standard health care services or treatments are not
21 22 medically appropriate for the covered person.
21 23 (3) There is no available standard health care service or
21 24 treatment covered by the health carrier that is more beneficial
21 25 than the recommended or requested health care service or
21 26 treatment sought.
21 27 d. The covered person's treating physician has certified in
21 28 writing one of the following:
21 29 (1) That the recommended or requested health care service
21 30 or treatment that is the subject of the adverse determination
21 31 or final adverse determination is likely to be more beneficial
21 32 to the covered person, in the physician's opinion, than any
21 33 available standard health care services or treatments.
21 34 (2) The physician is a licensed, board=certified, or
21 35 board=eligible physician qualified to practice in the area of



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22 1 medicine appropriate to treat the covered person's condition,
22 2 and that scientifically valid studies using accepted protocols
22 3 demonstrate that the health care service or treatment
22 4 recommended or requested that is the subject of the adverse
22 5 determination or final adverse determination is likely to
22 6 be more beneficial to the covered person than any available
22 7 standard health care services or treatments.
22 8 e. The covered person or the covered person's authorized
22 9 representative has exhausted the health carrier's internal
22 10 grievance process, unless the covered person or the covered
22 11 person's authorized representative is not required to exhaust
22 12 the health carrier's internal grievance process pursuant to
22 13 section 514J.106 or 514J.108.
22 14 f. The covered person or the covered person's authorized
22 15 representative has provided all the information and forms
22 16 required by the commissioner that are necessary to process an
22 17 external review pursuant to this section.
22 18 4. Within one business day after completion of the
22 19 preliminary review pursuant to subsection 3, the health
22 20 carrier shall notify the commissioner and the covered person
22 21 or the covered person's authorized representative in writing
22 22 whether the request is complete and whether the request is
22 23 eligible for external review pursuant to this section. If the
22 24 request is not complete, the health carrier shall notify the
22 25 commissioner and the covered person or the covered person's
22 26 authorized representative in writing and include in the notice
22 27 what information or materials are needed to make the request
22 28 complete. If the request is not eligible for external review,
22 29 the health carrier shall notify the covered person or the
22 30 covered person's authorized representative and the commissioner
22 31 in writing and include in the notice the reasons for its
22 32 ineligibility.
22 33 5. The commissioner may specify by rule the form required
22 34 for the health carrier's notice of initial determination and
22 35 any supporting information to be included in the notice. The



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23 1 notice of initial determination shall include a statement
23 2 informing the covered person or the covered person's authorized
23 3 representative that a health carrier's initial determination
23 4 that the external review request is ineligible for review may
23 5 be appealed to the commissioner.
23 6 6. The commissioner may determine that a request is eligible
23 7 for external review pursuant to this section, notwithstanding
23 8 a health carrier's initial determination that the request
23 9 is ineligible, and require that it be referred for external
23 10 review. In making this determination, the commissioner's
23 11 decision shall be made in accordance with the terms of the
23 12 covered person's health benefit plan and shall be subject to
23 13 all applicable provisions of this chapter.
23 14 7. Within one business day after receipt of the notice
23 15 from the health carrier that the external review request is
23 16 eligible for external review or upon a determination by the
23 17 commissioner that a request is eligible for external review,
23 18 the commissioner shall do all of the following:
23 19 a. Assign an independent review organization from the list
23 20 of approved independent review organizations maintained by the
23 21 commissioner and notify the health carrier of the name of the
23 22 assigned independent review organization.
23 23 b. Notify the covered person or the covered person's
23 24 authorized representative in writing of the request's
23 25 eligibility and acceptance for external review and the
23 26 name of the assigned independent review organization and
23 27 that the covered person or the covered person's authorized
23 28 representative may submit in writing to the independent review
23 29 organization, within five business days following the date
23 30 of receipt of such notice, additional information that the
23 31 independent review organization shall consider when conducting
23 32 the external review. The independent review organization
23 33 may, in the organization's discretion, accept and consider
23 34 additional information submitted by the covered person or the
23 35 covered person's authorized representative after five business



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24 1 days.

24 2 8. Within one business day after receipt of the notice
24 3 of assignment to conduct the external review, the assigned
24 4 independent review organization shall select one or more
24 5 clinical reviewers, as it determines is appropriate pursuant to
24 6 subsection 9 to conduct the external review.

24 7 9. In selecting clinical reviewers, the independent review
24 8 organization shall select physicians or other health care
24 9 professionals who meet the minimum qualifications described in
24 10 this chapter and, through clinical experience in the past three
24 11 years, are experts in the treatment of the covered person's
24 12 condition and knowledgeable about the recommended or requested
24 13 health care service or treatment that is the subject of the
24 14 adverse determination or the final adverse determination.
24 15 Neither the covered person or the covered person's authorized
24 16 representative nor the health carrier shall choose or control
24 17 the choice of the clinical reviewers selected to conduct the
24 18 external review.

24 19 10. Each clinical reviewer selected shall provide a written
24 20 opinion to the independent review organization regarding
24 21 whether the recommended or requested health care service or
24 22 treatment should be covered. Each clinical reviewer shall
24 23 review all of the information and documents received and any
24 24 other information submitted in writing by the covered person or
24 25 the covered person's authorized representative. In reaching
24 26 an opinion, a clinical reviewer is not bound by any decisions
24 27 or conclusions reached during the health carrier's internal
24 28 grievance process.

24 29 11. Within five business days after receipt of notice of the
24 30 assignment of the independent review organization, the health
24 31 carrier shall provide to the independent review organization
24 32 the documents and any information considered in making the
24 33 adverse determination or the final adverse determination.
24 34 Failure by the health carrier to provide the documents and
24 35 information within the time specified shall not delay the



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25 1 conduct of the external review.

25 2 12. If the health carrier fails to provide the documents
25 3 and information within the time specified, the independent
25 4 review organization may terminate the external review and
25 5 make a decision to reverse the adverse determination or final
25 6 adverse determination. Within one business day after making
25 7 such a decision, the independent review organization shall
25 8 notify the covered person or the covered person's authorized
25 9 representative, the health carrier, and the commissioner.

25 10 13. Within one business day after the receipt of any
25 11 information submitted by the covered person or the covered
25 12 person's authorized representative, the independent review
25 13 organization shall forward the information to the health
25 14 carrier. Upon receipt of the forwarded information, the health
25 15 carrier may reconsider its adverse determination or final
25 16 adverse determination that is the subject of the external
25 17 review.

25 18 a. Reconsideration by the health carrier of its adverse
25 19 determination or final adverse determination shall not delay or
25 20 terminate the external review. The external review shall only
25 21 be terminated if the health carrier decides, upon completion
25 22 of its reconsideration, to reverse its determination and
25 23 provide coverage or payment for the recommended or requested
25 24 health care service or treatment that is the subject of the
25 25 determination.

25 26 b. Within one business day after making a decision to
25 27 reverse its determination, the health carrier shall notify
25 28 the covered person or the covered person's authorized
25 29 representative, the independent review organization, and the
25 30 commissioner in writing of its decision. The independent
25 31 review organization shall terminate the external review upon
25 32 receipt of such notice from the health carrier.

25 33 14. a. Within twenty days after being selected to conduct
25 34 the external review, each clinical reviewer shall provide
25 35 an opinion to the assigned independent review organization



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26 1 regarding whether the recommended or requested health care
26 2 service or treatment should be covered pursuant to this
26 3 section.
26 4 b. Each clinical reviewer's opinion shall be in writing and
26 5 include the following information:
26 6 (1) A description of the covered person's medical
26 7 condition.
26 8 (2) A description of the indicators relevant to determining
26 9 whether there is sufficient evidence to demonstrate that the
26 10 recommended or requested health care service or treatment is
26 11 likely to be more beneficial to the covered person than any
26 12 available standard health care services or treatments and that
26 13 the adverse risks of the recommended or requested health care
26 14 service or treatment would not be substantially increased over
26 15 those of available standard health care services or treatments.
26 16 (3) A description and analysis of any medical or scientific
26 17 evidence considered in reaching the opinion.
26 18 (4) A description and analysis of any applicable
26 19 evidence-based standards.
26 20 (5) Information on whether the reviewer's rationale for
26 21 the opinion is based on either of the factors described in
26 22 subsection 15, paragraph "e".
26 23 15. In addition to the documents and information provided,
26 24 each clinical reviewer, to the extent the information or
26 25 documents are available and the reviewer considers them
26 26 appropriate, shall consider all of the following in reaching
26 27 an opinion:
26 28 a. The covered person's pertinent medical records.
26 29 b. The treating physician's recommendation or request.
26 30 c. Consulting reports from appropriate health care
26 31 professionals and other documents submitted by the health
26 32 carrier, the covered person or the covered person's authorized
26 33 representative, or the covered person's treating physician or
26 34 other health care professional.
26 35 d. The terms of coverage under the covered person's health



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27 1 benefit plan with the health carrier to ensure that, but
27 2 for the health carrier's determination that the recommended
27 3 or requested health care service or treatment that is the
27 4 subject of the opinion is experimental or investigational, the
27 5 reviewer's opinion is not contrary to the terms of coverage
27 6 under the covered person's health benefit plan with the health
27 7 carrier.
27 8 e. Whether either of the following factors is applicable:
27 9 (1) The recommended or requested health care service or
27 10 treatment has been approved by the federal food and drug
27 11 administration, if applicable, for the condition.
27 12 (2) Medical or scientific evidence or evidence=based
27 13 standards demonstrate that the expected benefits of the
27 14 recommended or requested health care service or treatment is
27 15 likely to be more beneficial to the covered person than any
27 16 available standard health care service or treatment and the
27 17 adverse risks of the recommended or requested health care
27 18 service or treatment would not be substantially increased over
27 19 those of available standard health care services or treatments.
27 20 16. a. If a majority of the clinical reviewers opine that
27 21 the recommended or requested health care service or treatment
27 22 should be covered, the independent review organization shall
27 23 make a decision to reverse the health carrier's adverse
27 24 determination or final adverse determination.
27 25 b. If a majority of the clinical reviewers opine that the
27 26 recommended or requested health care service or treatment
27 27 should not be covered, the independent review organization
27 28 shall make a decision to uphold the health carrier's adverse
27 29 determination or final adverse determination.
27 30 c. If the clinical reviewers are evenly split as to whether
27 31 the recommended or requested health care service or treatment
27 32 should be covered, the independent review organization shall
27 33 obtain the opinion of an additional clinical reviewer in order
27 34 for the independent review organization to make a decision
27 35 based on the opinions of a majority of the clinical reviewers.



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28 1 d. The additional clinical reviewer selected shall use the
28 2 same information to reach an opinion as the clinical reviewers
28 3 who have already submitted their opinions.

28 4 e. The selection of an additional clinical reviewer under
28 5 this subsection shall not extend the time within which the
28 6 assigned independent review organization is required to make a
28 7 decision based on the opinions of the clinical reviewers for
28 8 the external review.

28 9 17. Within twenty days after it receives the opinion
28 10 of each clinical reviewer, the assigned independent review
28 11 organization shall make a decision based on the opinions of
28 12 the clinical reviewer or reviewers, to uphold or reverse the
28 13 adverse determination or final adverse determination of the
28 14 health carrier and provide written notice of the decision
28 15 to the covered person or the covered person's authorized
28 16 representative, the health carrier, and the commissioner.

28 17 18. a. A covered person or the covered person's authorized
28 18 representative may make a written or oral request to the
28 19 commissioner for an expedited external review of the adverse
28 20 determination or final adverse determination pursuant to
28 21 this subsection if the covered person's treating physician
28 22 certifies, in writing, that the recommended or requested
28 23 health care service or treatment that is the subject of the
28 24 request would be significantly less effective if not promptly
28 25 initiated.

28 26 (1) Upon receipt of a request for an expedited external
28 27 review pursuant to this subsection, the commissioner shall
28 28 immediately notify the health carrier.

28 29 (2) Upon receipt of notice of the request for expedited
28 30 external review, the health carrier shall immediately determine
28 31 whether the request is eligible for external review as
28 32 provided in subsection 3, paragraphs "a" through "f", and shall
28 33 immediately issue a notice of initial determination informing
28 34 the commissioner and the covered person or the covered person's
28 35 authorized representative of its eligibility determination.



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29 1 The notice of initial determination of eligibility issued by a
29 2 health carrier shall include a statement informing the covered
29 3 person or the covered person's authorized representative that
29 4 the health carrier's initial determination that the external
29 5 review request is ineligible for expedited external review may
29 6 be appealed to the commissioner.

29 7 (3) The commissioner may determine that a request is
29 8 eligible for external review, notwithstanding a health
29 9 carrier's initial determination that the request is not
29 10 eligible, and refer the request for external review. In making
29 11 this determination, the commissioner's decision shall be made
29 12 in accordance with the terms of the covered person's health
29 13 benefit plan and shall be subject to all applicable provisions
29 14 of this chapter.

29 15 b. (1) Upon receipt of the notice of initial determination
29 16 that the request is eligible for expedited external review
29 17 or upon a determination by the commissioner that the request
29 18 is eligible for expedited external review, the commissioner
29 19 shall immediately assign an independent review organization
29 20 to conduct the expedited external review, from the list of
29 21 approved independent review organizations maintained by the
29 22 commissioner, and notify the health carrier of the name of the
29 23 assigned independent review organization.

29 24 (2) Upon receipt of notice of the independent review
29 25 organization assigned to conduct an expedited external review,
29 26 the health carrier shall provide or transmit all necessary
29 27 documents and information considered in making the adverse
29 28 determination or final adverse determination to the independent
29 29 review organization electronically or by telephone or facsimile
29 30 or any other available expeditious method.

29 31 (3) A clinical reviewer or clinical reviewers shall be
29 32 selected immediately by the independent review organization and
29 33 shall provide an opinion orally or in writing to the assigned
29 34 independent review organization as expeditiously as the covered
29 35 person's medical condition or circumstances require, but in no



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30 1 event more than five calendar days after being selected. If
30 2 the opinion provided was not in writing, within forty=eight
30 3 hours following the date the opinion was provided, the clinical
30 4 reviewer shall provide written confirmation of the opinion to
30 5 the assigned independent review organization and include all
30 6 required information in support of the opinion.
30 7 c. Within forty=eight hours after the date of receipt
30 8 of the opinion of each clinical reviewer, the assigned
30 9 independent review organization shall make a decision based
30 10 on the opinions of the clinical reviewer or reviewers as to
30 11 whether to reverse or uphold the adverse determination or
30 12 final adverse determination and provide notice of the decision
30 13 orally or in writing to the covered person or the covered
30 14 person's authorized representative, the health carrier, and
30 15 the commissioner. If the notice was provided orally, within
30 16 forty=eight hours after the date of providing that notice,
30 17 the independent review organization shall provide written
30 18 confirmation of the decision to the covered person or the
30 19 covered person's authorized representative, the health carrier,
30 20 and the commissioner.
30 21 d. The independent review organization shall include in the
30 22 notice of its decision all of the following:
30 23 (1) A general description of the reason for the request for
30 24 an expedited external review.
30 25 (2) The written opinion of each clinical reviewer,
30 26 including the recommendation of each clinical reviewer as
30 27 to whether the recommended or requested health care service
30 28 or treatment should be covered and the rationale for the
30 29 reviewer's recommendation.
30 30 (3) The date the independent review organization was
30 31 assigned by the commissioner to conduct the expedited external
30 32 review.
30 33 (4) The date the expedited external review was conducted.
30 34 (5) The date of its decision.
30 35 (6) The principal reason or reasons for its decision.



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31 1 (7) The rationale for its decision.
31 2 19. Upon receipt of notice of a decision of the independent
31 3 review organization reversing an adverse determination or final
31 4 adverse determination, the health carrier shall immediately
31 5 approve coverage of the recommended or requested health care
31 6 service or treatment that was the subject of the determination.
31 7 Sec. 10. NEW SECTION. 514J.110 Effect of external review
31 8 decision.
31 9 1. An external review decision pursuant to this chapter is
31 10 binding on the health carrier except to the extent the health
31 11 carrier has other remedies available under applicable Iowa law.
31 12 The external review process shall not be considered a contested
31 13 case under chapter 17A.
31 14 2. a. A covered person or the covered person's authorized
31 15 representative may appeal the external review decision made by
31 16 an independent review organization by filing a petition for
31 17 judicial review either in Polk county district court or in
31 18 the district court in the county in which the covered person
31 19 resides. The petition for judicial review must be filed
31 20 within fifteen business days after the issuance of the review
31 21 decision. The petition shall name the covered person or the
31 22 covered person's authorized representative, or the person's
31 23 health care provider as the petitioner. The respondent
31 24 shall be the health carrier. The petition shall not name the
31 25 independent review organization as a party.
31 26 b. The commissioner shall not be named as a respondent
31 27 unless the petitioner alleges action or inaction by the
31 28 commissioner under the standards articulated in section
31 29 17A.19, subsection 10. Allegations against the commissioner
31 30 under section 17A.19, subsection 10, shall be stated with
31 31 particularity. The commissioner may, upon motion, intervene in
31 32 the judicial review proceeding. The findings of fact by the
31 33 independent review organization conducting the external review
31 34 are conclusive and binding on appeal.
31 35 3. The health carrier shall follow and comply with the



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32 1 decision of the court on appeal. The health carrier or
32 2 treating health care provider shall not be subject to any
32 3 penalties, sanctions, or award of damages for following and
32 4 complying in good faith with the external review decision of
32 5 the independent review organization or the decision of the
32 6 court on appeal.

32 7 4. The covered person or the covered person's authorized
32 8 representative may bring an action in Polk county district
32 9 court or in the district court in the county in which the
32 10 covered person resides to enforce the external review decision
32 11 of the independent review organization or the decision of the
32 12 court on appeal.

32 13 5. A covered person or the covered person's authorized
32 14 representative shall not file a subsequent request for external
32 15 review involving any determination for which the covered person
32 16 or the covered person's authorized representative has already
32 17 received an external review decision.

32 18 6. If a covered person dies before the completion of
32 19 the external review process, the process shall continue to
32 20 completion if there is potential liability of a health carrier
32 21 to the estate of the covered person.

32 22 7. a. If a covered person who has already received health
32 23 care services under a health benefit plan requests external
32 24 review of the plan's adverse determination or final adverse
32 25 determination and changes to another health benefit plan before
32 26 the external review process is completed, the health carrier
32 27 whose coverage was in effect at the time the health care
32 28 service was received is responsible for completing the external
32 29 review process.

32 30 b. If a covered person who has not yet received health
32 31 care services requests external review of a health benefit
32 32 plan's adverse determination or final adverse determination
32 33 and then changes to another plan prior to receipt of the
32 34 health care services and completion of the external review
32 35 process, the external review process shall begin anew with the



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33 1 covered person's current health carrier. In this instance,
33 2 the external review process shall be conducted as an expedited
33 3 external review.
33 4 Sec. 11. NEW SECTION. 514J.111 Approval of independent
33 5 review organizations.
33 6 1. The commissioner shall approve applications submitted by
33 7 independent review organizations to conduct external reviews
33 8 under this chapter. The commissioner may retain an outside
33 9 expert to perform reviews of such applications.
33 10 2. In order to be eligible for approval by the commissioner
33 11 to conduct external reviews, an independent review organization
33 12 shall meet all of the following requirements:
33 13 a. Be accredited by a nationally recognized private
33 14 accrediting entity that the commissioner determines has
33 15 independent review organization accreditation standards that
33 16 are equivalent to or exceed the minimum qualifications for
33 17 independent review organizations established in this chapter.
33 18 b. Submit an application in a form and format as directed by
33 19 the commissioner.
33 20 c. Meet the minimum qualifications contained in section
33 21 514J.112.
33 22 3. The commissioner may approve independent review
33 23 organizations that are not accredited by a nationally
33 24 recognized private accrediting entity if there are no
33 25 acceptable nationally recognized private accrediting entities
33 26 providing independent review organization accreditation.
33 27 4. The commissioner shall develop an application form for
33 28 initially approving and for reapproving independent review
33 29 organizations to conduct external reviews.
33 30 5. The commissioner may charge an initial application fee
33 31 and a renewal fee as specified by rule.
33 32 6. The approval of an independent review organization to
33 33 conduct external reviews by the commissioner pursuant to this
33 34 chapter is effective for two years, unless the commissioner
33 35 determines that the independent review organization is not



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34 1 satisfying the minimum qualifications of this chapter. If the
34 2 commissioner determines that an independent review organization
34 3 has lost its accreditation or no longer satisfies the minimum
34 4 requirements established under this chapter, the commissioner
34 5 shall terminate approval of the independent review organization
34 6 to conduct external reviews and remove the independent review
34 7 organization from the list of independent review organizations
34 8 approved to conduct external reviews that is maintained by the
34 9 commissioner.

34 10 7. The commissioner shall maintain a list of currently
34 11 approved independent review organizations.

34 12 Sec. 12. NEW SECTION. 514J.112 Minimum qualifications for
34 13 independent review organizations.

34 14 1. To be approved to conduct external reviews pursuant
34 15 to this chapter, an independent review organization shall
34 16 have and maintain written policies and procedures that govern
34 17 all aspects of both the standard external review process and
34 18 the expedited external review process and that include, at a
34 19 minimum, all of the following:

34 20 a. A quality assurance mechanism that does all of the
34 21 following:

34 22 (1) Ensures that external reviews are conducted within the
34 23 specified time frames and that required notices are provided
34 24 in a timely manner.

34 25 (2) Ensures the selection of qualified and impartial
34 26 clinical reviewers to conduct external reviews on behalf of
34 27 the independent review organization and suitable matching of
34 28 reviewers to specific cases and that the independent review
34 29 organization employs or contracts with an adequate number of
34 30 clinical reviewers to meet this objective.

34 31 (3) Ensures the confidentiality of medical and treatment
34 32 records and clinical review criteria.

34 33 (4) Establishes and maintains written procedures to
34 34 ensure that the independent review organization is unbiased in
34 35 addition to any other procedures required under this section.



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35 1 (5) Ensures that any person employed by or under contract
35 2 with the independent review organization adheres to the
35 3 requirements of this chapter.
35 4 b. A toll-free telephone service to receive information
35 5 related to external reviews twenty-four hours a day, seven days
35 6 a week, that is capable of accepting, recording, or providing
35 7 appropriate instruction to incoming telephone callers outside
35 8 normal business hours.
35 9 c. An agreement and a system to maintain required records
35 10 and provide access to those records by the commissioner.
35 11 2. Each clinical reviewer assigned by an independent review
35 12 organization to conduct external reviews shall be a physician
35 13 or other appropriate health care professional who meets all of
35 14 the following minimum qualifications:
35 15 a. Is an expert in the treatment of the covered person's
35 16 medical condition that is the subject of the external review.
35 17 b. Is knowledgeable about the recommended or requested
35 18 health care service or treatment through recent or current
35 19 actual clinical experience treating patients with the same or
35 20 similar medical condition as the covered person.
35 21 c. Holds a nonrestricted license in a state of the United
35 22 States and, for physicians, a current certification by a
35 23 recognized American medical specialty board in the area or
35 24 areas appropriate to the subject of the external review.
35 25 d. Has no history of disciplinary actions or sanctions,
35 26 including loss of staff privileges or participation
35 27 restrictions, that have been taken or are pending by any
35 28 hospital, governmental agency or unit, or regulatory body that
35 29 raise a substantial question as to the clinical reviewer's
35 30 physical, mental, or professional competence or moral
35 31 character.
35 32 3. An independent review organization shall not own
35 33 or control, be a subsidiary of, or in any way be owned or
35 34 controlled by, or exercise control with, a health benefit plan,
35 35 a national, state, or local trade association of health benefit



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36 1 plans, or a national, state, or local trade association of
36 2 health care providers.
36 3 4. Neither the independent review organization selected to
36 4 conduct an external review nor any clinical reviewer assigned
36 5 by the independent organization to conduct an external review
36 6 shall have a material professional, familial, or financial
36 7 conflict of interest with any of the following:
36 8 a. The health carrier that is the subject of the external
36 9 review.
36 10 b. The covered person whose health care service or treatment
36 11 is the subject of the external review or the covered person's
36 12 authorized representative.
36 13 c. Any officer, director, or management employee of the
36 14 health carrier that is the subject of the external review.
36 15 d. The health care professional or the health care
36 16 professional's medical group or independent practice
36 17 association recommending the health care service or treatment
36 18 that is the subject of the external review.
36 19 e. The facility at which the recommended health care service
36 20 or treatment would be provided.
36 21 f. The developer or manufacturer of the principal drug,
36 22 device, procedure, or other therapy being recommended for the
36 23 covered person whose health care service treatment is the
36 24 subject of the external review.
36 25 5. In determining whether an independent review
36 26 organization or a clinical reviewer of the independent
36 27 review organization has a material professional, familial,
36 28 or financial conflict of interest as provided in subsection
36 29 4, the commissioner shall take into consideration situations
36 30 where the independent review organization to be assigned to
36 31 conduct an external review of a specified case or a clinical
36 32 reviewer to be assigned by the independent review organization
36 33 to conduct an external review of a specified case may have an
36 34 apparent professional, familial, or financial relationship or
36 35 connection with a person described in subsection 4, but the



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37 1 characteristics of that relationship or connection are such
37 2 that they do not constitute a material professional, familial,
37 3 or financial conflict of interest that would prohibit selection
37 4 of the independent review organization or the clinical reviewer
37 5 to conduct the external review.

37 6 6. a. An independent review organization that is accredited
37 7 by a nationally recognized private accrediting entity that
37 8 has independent review accreditation standards that the
37 9 commissioner has determined are equivalent to or exceed the
37 10 minimum qualifications of this section shall be presumed to be
37 11 in compliance with the requirements of this section.

37 12 b. The commissioner shall initially and periodically review
37 13 the standards of each nationally recognized private accrediting
37 14 entity that provides accreditation to independent review
37 15 organizations to determine whether the accrediting entity's
37 16 standards are, and continue to be, equivalent to or exceed the
37 17 minimum qualifications established under this section. The
37 18 commissioner may accept a review of those standards conducted
37 19 by the national association of insurance commissioners for the
37 20 purpose of making a determination under this subsection.

37 21 c. Upon request, a nationally recognized private accrediting
37 22 entity shall make its current independent review organization
37 23 accreditation standards available to the commissioner or
37 24 to the national association of insurance commissioners in
37 25 order for the commissioner to determine if the accrediting
37 26 entity's standards are equivalent to or exceed the minimum
37 27 qualifications established under this section. The
37 28 commissioner may exclude consideration of accreditation of
37 29 independent review organizations by any private accrediting
37 30 entity whose standards have not been reviewed by the national
37 31 association of insurance commissioners.

37 32 Sec. 13. NEW SECTION. 514J.113 Immunity for independent
37 33 review organizations.

37 34 An independent review organization, a clinical reviewer
37 35 working on behalf of an independent review organization, or



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38 1 an employee, agent, or contractor of an independent review
38 2 organization shall not be liable in damages to any person for
38 3 any opinions rendered or acts or omissions performed within the
38 4 scope of the duties of the organization, the clinical reviewer,
38 5 or an employee, agent, or contractor of the organization under
38 6 this chapter during, or upon completion of, an external review
38 7 conducted pursuant to this chapter, unless the opinion was
38 8 rendered or the act or omission was performed in bad faith or
38 9 involved gross negligence.

38 10 Sec. 14. NEW SECTION. 514J.114 External review reporting
38 11 requirements.

38 12 1. a. An independent review organization assigned to
38 13 conduct an external review shall maintain written records in
38 14 the aggregate by state and by health carrier of all requests
38 15 for external review for which it conducted an external review
38 16 during a calendar year.

38 17 b. Each independent review organization required to maintain
38 18 written records pursuant to this section shall submit to the
38 19 commissioner, upon request, a report in the format specified by
38 20 the commissioner. The report shall include in the aggregate by
38 21 state and by health carrier all of the following:

38 22 (1) The total number of requests for external review
38 23 assigned to the independent review organization.

38 24 (2) The average length of time for resolution of each
38 25 request for external review assigned to the independent review
38 26 organization.

38 27 (3) A summary of the types of coverages or cases for which
38 28 an external review was requested, in the format required by the
38 29 commissioner by rule.

38 30 (4) Any other information required by the commissioner.

38 31 c. The independent review organization shall retain the
38 32 written records for at least three years.

38 33 2. a. Each health carrier shall maintain written records
38 34 in the aggregate by state and by type of health benefit plan
38 35 offered by the health carrier of all requests for external



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39 1 review that the health carrier receives notice of from the
39 2 commissioner pursuant to this chapter.
39 3 b. Each health carrier required to maintain written records
39 4 of requests for external review pursuant to this subsection
39 5 shall submit to the commissioner, upon request, a report in the
39 6 format specified by the commissioner. The report shall include
39 7 in the aggregate by state and by type of health benefit plan
39 8 offered all of the following:
39 9 (1) The total number of requests for external review of
39 10 the health carrier's adverse determinations and final adverse
39 11 determinations.
39 12 (2) Of the total number of requests for external review, the
39 13 number of requests determined eligible for external review.
39 14 (3) The number of requests for external review resolved
39 15 and, of those resolved, the number resolved upholding the
39 16 adverse determination or final adverse determination of the
39 17 health carrier and the number resolved reversing the adverse
39 18 determination or final adverse determination of the health
39 19 carrier.
39 20 (4) The number of external reviews that were terminated as
39 21 the result of a reconsideration by the health carrier of its
39 22 adverse determination or final adverse determination after the
39 23 receipt of additional information from the covered person or
39 24 the covered person's authorized representative.
39 25 (5) Any other information the commissioner may request or
39 26 require.
39 27 c. The health carrier shall retain the written records for
39 28 at least three years.
39 29 Sec. 15. NEW SECTION. 514J.115 Expenses of external review.
39 30 The health carrier against which a request for a standard
39 31 external review or an expedited external review is filed shall
39 32 pay the costs of retaining an independent review organization
39 33 to conduct the external review.
39 34 Sec. 16. NEW SECTION. 514J.116 Disclosure requirements.
39 35 1. Each health carrier shall include a description of



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40 1 the external review procedures contained in this chapter in
40 2 or attached to any policy, certificate, membership booklet,
40 3 outline of coverage, or other evidence of coverage that is
40 4 provided to a covered person. The description shall be in a
40 5 format prescribed by the commissioner by rule.
40 6 2. The description required by subsection 1 shall include
40 7 a statement that informs the covered person of the right of
40 8 the covered person to file a request for an external review
40 9 of an adverse determination or final adverse determination of
40 10 the health carrier with the commissioner. The statement shall
40 11 explain that external review is available when the adverse
40 12 determination or final adverse determination involves an issue
40 13 of medical necessity, appropriateness, health care setting,
40 14 level of care, or effectiveness. The statement shall include
40 15 the telephone number and address of the commissioner. The
40 16 statement shall also inform the covered person that when filing
40 17 a request for external review, the covered person will be
40 18 required to authorize the release of any medical records of
40 19 the covered person that may be required to be reviewed for the
40 20 purpose of reaching a decision on the request for external
40 21 review.
40 22 Sec. 17. NEW SECTION. 514J.117 Rulemaking authority.
40 23 The commissioner may adopt rules pursuant to chapter 17A to
40 24 carry out the provisions of this chapter.
40 25 Sec. 18. NEW SECTION. 514J.118 Severability.
40 26 If any provision of this chapter, or the application of the
40 27 provision to any person or circumstance is held invalid, the
40 28 remainder of the chapter, and the application of the provision
40 29 to persons or circumstances other than those to which it is
40 30 held invalid, shall not be affected.
40 31 Sec. 19. NEW SECTION. 514J.119 Penalties.
40 32 A person who fails to comply with the provisions of this
40 33 chapter or the rules adopted pursuant to this chapter is
40 34 subject to the penalties provided under chapter 507B.
40 35 Sec. 20. NEW SECTION. 514J.120 Applicability.



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41 1 1. This chapter applies to all requests for external review
41 2 filed on or after July 1, 2011.

41 3 2. Section 514J.116 applies to all health benefit plans
41 4 delivered, issued for delivery, continued, or renewed in this
41 5 state on or after July 1, 2011.

41 6 Sec. 21. REPEAL. Sections 514J.1 through 514J.15, Code
41 7 2011, are repealed.

41 8 Sec. 22. TRANSITION PROVISION ===== APPLICABILITY TO PRIOR
41 9 REQUESTS. Sections 514J.1 through 514J.15, Code 2011, are
41 10 applicable to all requests for external review filed prior to
41 11 July 1, 2011.

EXPLANATION

41 13 This bill adds new provisions in Code chapter 514J,
41 14 which provides procedures for external review of adverse
41 15 determinations made by health carriers, as required by the
41 16 federal Patient Protection and Affordable Care Act, as amended
41 17 by the federal Health Care and Education Reconciliation Act
41 18 of 2010, which amends the Public Health Service Act. The new
41 19 provisions apply to all requests for external review filed on
41 20 or after July 1, 2011. The bill repeals the current provisions
41 21 in Code chapter 514J relating to the external review of health
41 22 care coverage decisions.

41 23 An "adverse determination" is a determination by a health
41 24 carrier that payment for a health care service that is a
41 25 covered benefit under a health benefit plan is being denied,
41 26 reduced, or terminated because the health care service does
41 27 not meet the carrier's requirements for medical necessity,
41 28 appropriateness, health care setting, level of care, or
41 29 effectiveness. A "final adverse determination" is an adverse
41 30 determination involving a covered benefit that has been upheld
41 31 by a health carrier at the completion of the health carrier's
41 32 internal grievance process.

41 33 The bill allows a covered person under a health benefit plan
41 34 or the covered person's authorized representative to request
41 35 an external review of the health carrier's determination after



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42 1 receiving a final adverse determination or sooner, after
42 2 receiving an adverse determination, if the covered person has
42 3 a medical condition where the time frame for completion of
42 4 that internal review would jeopardize the person's life or
42 5 health or ability to regain maximum function, or the adverse
42 6 determination is that the requested health care service is
42 7 experimental or investigational and the effectiveness of the
42 8 treatment will be significantly less effective if not promptly
42 9 initiated. The bill provides procedures for a standard
42 10 external review or an expedited external review.

42 11 Pursuant to a request for standard external review, the
42 12 health carrier must complete a preliminary review to determine
42 13 if the request is eligible for external review as specified in
42 14 the bill and report to the commissioner of insurance and the
42 15 covered person. Even if the health carrier determines that
42 16 the request is ineligible, the commissioner of insurance may
42 17 determine that the request is eligible for review.

42 18 Once a request is determined to be eligible for review,
42 19 the commissioner is required to assign an independent review
42 20 organization to conduct the external review of the adverse or
42 21 final adverse determination of the health carrier. During the
42 22 review, the carrier may reconsider its adverse or final adverse
42 23 determination and provide the coverage requested. If this does
42 24 not occur, the independent review organization selects clinical
42 25 reviewers to consider all pertinent information and within
42 26 45 days of receiving the request for external review, the
42 27 independent review organization must provide written notice of
42 28 its decision to uphold or reverse the adverse or final adverse
42 29 determination of the carrier. Upon receipt of a decision of
42 30 reversal, the carrier must approve the coverage that was the
42 31 subject of the adverse or final adverse determination.

42 32 The bill also provides a similar procedure for expedited
42 33 external review of an adverse or final adverse determination
42 34 that involves a medical condition of the covered person for
42 35 which the time frame for completion of the internal review



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43 1 by the health carrier or a standard external review would
43 2 seriously jeopardize the life or health or the ability to
43 3 regain maximum function of the covered person. The expedited
43 4 external review procedures provide that a request for expedited
43 5 external review can be made by a covered person orally,
43 6 and shortens the required time frames for action by the
43 7 health carrier, the commissioner, and the independent review
43 8 organization in responding to the request and reaching a
43 9 decision.

43 10 The bill provides separate procedures for standard and
43 11 expedited external reviews of adverse determinations or
43 12 final adverse determinations involving experimental or
43 13 investigational treatment. In a standard external review, if
43 14 an independent review organization selects multiple clinical
43 15 reviewers to review the request, the organization must make
43 16 a decision to uphold or reverse an adverse or final adverse
43 17 determination of a health carrier based on the opinion of a
43 18 majority of the clinical reviewers.

43 19 The bill allows a covered person or the covered person's
43 20 authorized representative to appeal the external review
43 21 decision made by an independent review organization by filing a
43 22 petition for judicial review in Polk county district court or
43 23 in the district court in the county where the covered person
43 24 resides. Findings of fact made by an independent review
43 25 organization are conclusive and binding on appeal. A covered
43 26 person or the covered person's authorized representative may
43 27 also bring an action in district court to enforce an external
43 28 review decision against a carrier.

43 29 The bill includes requirements for the qualifications of an
43 30 independent review organization to be listed as eligible for
43 31 selection by the commissioner to conduct an external review.

43 32 The bill provides that independent review organizations and
43 33 clinical reviewers are not liable in damages for any opinions
43 34 rendered in furtherance of their duties under this new division
43 35 unless rendered in bad faith or with gross negligence.



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44 1 Independent review organizations and health carriers are
44 2 required to keep specified records about external review
44 3 requests involving them. The expense of retaining an
44 4 independent review organization to conduct an external review
44 5 is assessed against the health carrier whose adverse or final
44 6 adverse determination is being reviewed.
44 7 External review procedures must be disclosed by health
44 8 carriers by including or attaching them to the policies,
44 9 certificates, membership booklets, outline of coverage, or
44 10 other evidence of coverage that is provided to covered persons.
44 11 This disclosure requirement applies to all health benefit plans
44 12 delivered, issued for delivery, continued, or renewed on or
44 13 after July 1, 2011.
44 14 The commissioner of insurance has the authority to adopt
44 15 rules to carry out the provisions of the new division and the
44 16 provisions of the new division are severable if held invalid.
LSB 1334HV (1) 84
av/nh



**Iowa General Assembly
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House File 598 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 438)

A BILL FOR

1 An Act relating to school district health care costs.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TLSB 1094HV (2) 84
 av/rj



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House File 598 - Introduced continued

PAG LIN

1 1 Section 1. SCHOOL DISTRICT HEALTH CARE COSTS. It is the
1 2 intent of the general assembly to address health care costs of
1 3 school districts.

1 4 EXPLANATION

1 5 This bill provides that it is the intent of the general
1 6 assembly to address health care costs of school districts.



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 599 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 144)

A BILL FOR

1 An Act relating to the use of a college readiness assessment
2 as a condition of graduation and for payment of school
3 foundation aid funding to community colleges and regents
4 universities on behalf of certain students who attain a
5 minimum acceptable score on the assessment.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1030HV (2) 84
kh/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 599 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 31. Adopt rules requiring school districts
1 4 to administer to secondary students at least annually,
1 5 beginning not later than the 2014=2015 school year, a college
1 6 readiness assessment which a student shall successfully pass
1 7 as a condition of graduation. The rules shall provide for
1 8 alternative pathways to graduation and for a timeline for the
1 9 administration of the assessment, and shall require school
1 10 districts to administer the assessment to secondary school
1 11 students, including, if a student and the student's parent
1 12 or guardian submit a written request to a school district,
1 13 students attending accredited nonpublic schools located within
1 14 the school district and students receiving competent private
1 15 instruction pursuant to chapter 299A. A school district may
1 16 charge a student a fee which shall not exceed the actual cost
1 17 of the assessment. The board shall establish by rule the
1 18 minimum acceptable scores students shall attain on the college
1 19 readiness assessment to graduate from high school, to qualify
1 20 for admission to an institution of higher learning governed by
1 21 the state board of regents, and to qualify for state school
1 22 foundation aid pursuant to section 257.52.
1 23 Sec. 2. Section 257.6, subsection 1, paragraph a, Code 2011,
1 24 is amended by adding the following new subparagraph:
1 25 NEW SUBPARAGRAPH. (02) Full-time equivalent resident
1 26 pupils who attain the minimum acceptable score on the college
1 27 readiness assessment established pursuant to section 256.7,
1 28 subsection 31, prior to the pupil's senior year of high school
1 29 if the pupil is admitted to an Iowa community college or
1 30 institution of higher learning governed by the state board of
1 31 regents. A pupil who is admitted to an Iowa community college
1 32 or institution of higher learning governed by the state board
1 33 of regents shall not be included in the district's enrollment
1 34 for purposes of this chapter if the pupil was eligible to
1 35 receive a diploma with the class in which they were enrolled



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2 1 prior to taking the college readiness assessment and the class
2 2 graduated in the previous school year.
2 3 Sec. 3. NEW SECTION. 257.52 High school scholarship
2 4 payments.
2 5 1. Each community college and each institution of higher
2 6 learning governed by the state board of regents that admits a
2 7 person who prior to the person's senior year of high school
2 8 attained at least the minimum acceptable score on the college
2 9 readiness assessment established by the state board in
2 10 accordance with section 256.7, subsection 31, for purposes of
2 11 qualifying for state school foundation aid shall, if the person
2 12 is enrolled in a school district and included in a school
2 13 district's actual enrollment in accordance with section 257.6,
2 14 notify the department of management of the admission and the
2 15 name of the school district in which the student is enrolled.
2 16 2. The department of management shall deduct from the
2 17 amounts calculated for state school foundation aid for each
2 18 school district the amount generated by each pupil pursuant to
2 19 section 257.6, subsection 1, paragraph "a", subparagraph (02)
2 20 for each school district from the state aid due to the district
2 21 pursuant to this chapter and shall pay the amounts to the Iowa
2 22 community college or institution of higher learning governed
2 23 by the state board of regents in which the person is admitted
2 24 pursuant to subsection 1 on a monthly basis from September
2 25 15 through June 15 during each school year. The community
2 26 college or institution paid pursuant to this subsection shall
2 27 reduce the tuition charged to a person admitted as a student
2 28 pursuant to subsection 1 by an amount equivalent to the amount
2 29 paid to the community college or institution pursuant to this
2 30 subsection. The department of management shall notify each
2 31 school district of the amount of state aid deducted for these
2 32 purposes and the balance of state aid shall be paid to the
2 33 district.
2 34 Sec. 4. Section 262.9, subsection 3, Code 2011, is amended
2 35 to read as follows:



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3 1 3. Make rules for admission to and for the government of
3 2 said institutions, not inconsistent with law. The rules shall
3 3 provide for the admission of students who attained at least the
3 4 minimum acceptable score on the college readiness assessment
3 5 established by the state board in accordance with section
3 6 256.7, subsection 31, and who qualified for state school
3 7 foundation aid pursuant to section 257.52.

3 8 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance
3 9 with section 25B.2, subsection 3, the state cost of requiring
3 10 compliance with any state mandate included in this Act shall
3 11 be paid by a school district from state school foundation aid
3 12 received by the school district under section 257.16. This
3 13 specification of the payment of the state cost shall be deemed
3 14 to meet all of the state funding-related requirements of
3 15 section 25B.2, subsection 3, and no additional state funding
3 16 shall be necessary for the full implementation of this Act
3 17 by and enforcement of this Act against all affected school
3 18 districts.

3 19 EXPLANATION

3 20 This bill directs the state board of education to require
3 21 school districts to administer a college readiness assessment,
3 22 which students must successfully pass as a condition of
3 23 graduation, and provides for college admission at regents
3 24 universities and for the payment of school foundation aid
3 25 funding to community colleges and regents universities on
3 26 behalf of certain students who attain a minimum acceptable
3 27 score on the assessment prior to their 12th grade of high
3 28 school.

3 29 The bill requires the state board of education to adopt
3 30 rules requiring school districts to administer a college
3 31 readiness assessment to secondary students at least annually,
3 32 beginning not later than the 2014=2015 school year. The rules
3 33 shall provide for alternative pathways to graduation and for a
3 34 timeline for the administration of the assessment, and shall
3 35 require school districts to administer the assessment to



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House File 599 - Introduced continued

4 1 students attending accredited nonpublic schools located within
4 2 the school district and students receiving competent private
4 3 instruction if a student and the student's parent or guardian
4 4 submit a written request to a school district. A school
4 5 district may charge a student a fee which shall not exceed the
4 6 actual cost of the assessment. The board must establish by
4 7 rule the minimum acceptable scores students shall attain.
4 8 The bill establishes that full-time equivalent resident
4 9 pupils who attain the minimum acceptable score prior to their
4 10 senior year of high school and who are admitted to an Iowa
4 11 community college or regents university shall be counted in a
4 12 school district's actual enrollment unless such a pupil was
4 13 eligible to receive a diploma with the class in which they were
4 14 enrolled prior to taking the college readiness assessment and
4 15 the class graduated in the previous school year.
4 16 Each community college and regents university that admits
4 17 a person who prior to the person's senior year attained at
4 18 least the minimum acceptable score on the college readiness
4 19 assessment shall notify the department of management of the
4 20 admission and the name of the school district in which the
4 21 student is enrolled. The department of management shall deduct
4 22 from the amounts calculated for state school foundation aid for
4 23 each school district the amount generated by such person and
4 24 shall pay the amounts to the Iowa community college or regents
4 25 university in which the person is admitted, and the community
4 26 college or institution shall reduce the tuition charged to the
4 27 person by an equivalent amount.
4 28 The bill also directs the state board of regents to make
4 29 rules for admission that provide for the admission of students
4 30 who attained at least the minimum acceptable score on the
4 31 college readiness assessment and who qualified for state school
4 32 foundation aid.

LSB 1030HV (2) 84

kh/nh



**Iowa General Assembly
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House File 600 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 146)

(COMPANION TO LSB
1476SV BY COMMITTEE ON
EDUCATION)

A BILL FOR

1 An Act relating to licensure by the board of educational
2 examiners of persons who complete an administrator
3 preparation program offered by a regionally accredited
4 or board of educational examiners' approved non-Iowa
5 institution.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1476HV (2) 84
kh/nh



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House File 600 - Introduced continued

PAG LIN

1 1 Section 1. Section 272.8, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. a. An applicant who, prior to May
1 4 1, 2009, enrolled in an administrator preparation program
1 5 offered by a regionally accredited out-of-state institution
1 6 or an out-of-state institution approved by the board in
1 7 accordance with subsection 3, and who completes the program
1 8 prior to December 15, 2011, shall be eligible for licensure
1 9 notwithstanding the out-of-state licensure and certification
1 10 requirements of 282 IAC 18.6(1)(c).
1 11 b. The board shall notify all persons who meet the
1 12 requirements of paragraph "a" and who apply for an administrator
1 13 license between May 1, 2009, and December 31, 2011, of their
1 14 limited eligibility for licensure and of the application
1 15 deadline provided under this subsection, and shall post such
1 16 notification on its website.
1 17 c. This subsection is repealed July 1, 2012.
1 18 EXPLANATION
1 19 This bill provides that a person who enrolled in an
1 20 administrator preparation program, offered by a regionally
1 21 accredited out-of-state institution or an approved out-of-state
1 22 institution prior to May 1, 2009, and who completes the program
1 23 prior to December 15, 2011, is eligible to be licensed by the
1 24 board of educational examiners notwithstanding the out-of-state
1 25 licensure and certification requirements of administrative rule
1 26 281 IAC 18.6(1)(c). The bill also requires the board to notify
1 27 eligible applicants who apply for an administrator license
1 28 between May 1, 2009, and December 31, 2011, of their limited
1 29 eligibility for licensure and of the application deadline. The
1 30 board must post the notification on its website.
1 31 The Code provision created by the bill is repealed July 1,
1 32 2012.

LSB 1476HV (2) 84
kh/nh



**Iowa General Assembly
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House File 601 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 203)

A BILL FOR

1 An Act relating to indemnification of hospitals participating
2 in the volunteer health care provider program.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2044HV (2) 84

pf/nh



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House File 601 - Introduced continued

PAG LIN

1 1 Section 1. Section 135.24, subsection 2, paragraphs b and c,
1 2 Code 2011, are amended to read as follows:

1 3 b. Procedures for registration of hospitals, free clinics,
1 4 field dental clinics, and specialty health care provider
1 5 offices.

1 6 c. Criteria for and identification of hospitals, clinics,
1 7 free clinics, field dental clinics, specialty health care
1 8 provider offices, or other health care facilities, health
1 9 care referral programs, or charitable organizations,
1 10 eligible to participate in the provision of free medical,
1 11 dental, chiropractic, pharmaceutical, nursing, optometric,
1 12 psychological, social work, behavioral science, podiatric,
1 13 physical therapy, occupational therapy, respiratory therapy,
1 14 or emergency medical care services through the volunteer
1 15 health care provider program. A hospital, a clinic, a
1 16 free clinic, a field dental clinic, a specialty health care
1 17 provider office, a health care facility, a health care referral
1 18 program, a charitable organization, or a health care provider
1 19 participating in the program shall not bill or charge a
1 20 patient for any health care provider service provided under the
1 21 volunteer health care provider program.

1 22 Sec. 2. Section 135.24, Code 2011, is amended by adding the
1 23 following new subsection:

1 24 NEW SUBSECTION. 6A. A hospital providing free care under
1 25 this section shall be considered a state agency solely for
1 26 the purposes of this section and chapter 669 and shall be
1 27 afforded protection under chapter 669 as a state agency for
1 28 all claims arising from the provision of free care by a health
1 29 care provider registered under subsection 3 who is providing
1 30 services at the hospital in accordance with this section, if
1 31 the hospital has registered with the department pursuant to
1 32 subsection 1.

1 33 Sec. 3. Section 135.24, subsection 7, Code 2011, is amended
1 34 by adding the following new paragraph:

1 35 NEW PARAGRAPH. 0e. "Hospital" means hospital as defined in



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House File 601 - Introduced continued

2 1 section 135B.1.

2 2 EXPLANATION

2 3 This bill relates to hospitals under the volunteer health
2 4 care provider program. The bill provides that a hospital
2 5 providing free care under the program is considered a state
2 6 agency solely for the purposes of the program and Code chapter
2 7 669 (state tort claims Act) and is to be afforded protection
2 8 under Code chapter 669 as a state agency for all claims arising
2 9 from the provision of free care by a health care provider
2 10 registered under the program who is providing services at the
2 11 hospital in accordance with the program if the hospital has
2 12 registered with the department of public health as required
2 13 under the program.

LSB 2044HV (2) 84

pf/nh



**Iowa General Assembly
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House File 602 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 36)

A BILL FOR

1 An Act relating to the responsibility for payment of reasonable
2 attorney fees involving the state public defender.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1117HV (2) 84
pf/nh



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House File 602 - Introduced continued

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1 1 Section 1. Section 13B.4, subsection 3, Code 2011, is
1 2 amended to read as follows:
1 3 3. The state public defender may contract with persons
1 4 admitted to practice law in this state and nonprofit
1 5 organizations employing persons admitted to practice law in
1 6 this state for the provision of legal services to indigent
1 7 persons. Such contract may provide that the person or
1 8 nonprofit organization shall be paid on a basis other than an
1 9 hourly rate for the person's or nonprofit organization's legal
1 10 services, including but not limited to a fixed rate per case
1 11 or fixed rate per month basis.

1 12 Sec. 2. Section 13B.4, subsection 4, paragraph a, Code 2011,
1 13 is amended to read as follows:

1 14 a. The state public defender shall establish fee limitations
1 15 for particular categories of cases. The fee limitations shall
1 16 be reviewed at least every three years. In establishing and
1 17 reviewing the fee limitations, the state public defender shall
1 18 consider public input during the establishment and review
1 19 process, and any available information regarding ordinary
1 20 and customary charges for like services; the number of cases
1 21 in which legal services to indigents are anticipated; the
1 22 seriousness of the charge; an appropriate allocation of
1 23 resources among the types of cases; experience with existing
1 24 hourly or fixed rates, claims, and fee limitations; and any
1 25 other factors determined to be relevant.

1 26 Sec. 3. Section 600A.6B, Code 2011, is amended to read as
1 27 follows:

1 28 600A.6B Payment of attorney fees.

1 29 1. A person filing a petition for termination of parental
1 30 rights under this chapter or the person on whose behalf the
1 31 petition is filed shall be responsible for the payment of
1 32 reasonable attorney fees for counsel appointed pursuant to
1 33 section 600A.6A unless the one of the following conditions
1 34 exists:

1 35 a. The person filing the petition is a private child=placing



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House File 602 - Introduced continued

2 1 agency as defined in section 238.1 ~~or unless the~~.
2 2 b. The court determines that the person filing the petition
2 3 or the person on whose behalf the petition is filed is
2 4 indigent.

2 5 c. The person filing the petition or the person on whose
2 6 behalf the petition is filed is exempt pursuant to subsection
2 7 3.

2 8 2. If the person filing the petition is a private
2 9 child=placing agency as defined in section 238.1 or if the
2 10 person filing the petition or the person on whose behalf the
2 11 petition is filed is indigent, the appointed attorney shall be
2 12 paid reasonable attorney fees as determined by the state public
2 13 defender.

2 14 3. If counsel is appointed pursuant to section 600A.6A for
2 15 hearings or proceedings connected with a request for vacation
2 16 or appeal of a termination order issued under section 600A.9,
2 17 subsection 1, paragraph "b", the person who filed the petition
2 18 for termination of parental rights or the person on whose
2 19 behalf the petition was filed shall not be responsible for the
2 20 payment of reasonable attorney fees for such counsel. Instead,
2 21 the counsel appointed pursuant to section 600A.6A shall be paid
2 22 reasonable attorney fees as determined by the state public
2 23 defender and in accordance with subsection 4.

2 24 ~~3.~~ 4. The state public defender shall review all the claims
2 25 submitted under this section and shall have the same authority
2 26 with regard to the payment of these claims as the state public
2 27 defender has with regard to claims submitted under chapters 13B
2 28 and 815, including the authority to adopt rules concerning the
2 29 review and payment of claims submitted.

2 30 Sec. 4. Section 814.11, subsections 2 and 4, Code 2011, are
2 31 amended to read as follows:

2 32 2. a. If the appeal involves an indictable offense or
2 33 denial of postconviction relief, the appointment shall be made
2 34 to the state appellate defender unless the state appellate
2 35 defender notifies the court that the state appellate defender



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3 1 is unable to handle the case.

3 2 b. If the state appellate defender is unable to handle the
3 3 case, the state appellate defender may transfer the case to the
3 4 state public defender or to an attorney who has a contract with
3 5 the state public defender to handle such appeals. The state
3 6 appellate defender shall notify the supreme court of any such
3 7 transfer and the responsibility of the state appellate defender
3 8 for such appeal shall terminate.

3 9 c. If the state public defender or attorney who has a
3 10 contract with the state public defender, to whom the case was
3 11 transferred by the state appellate defender, withdraws from the
3 12 case, the court shall appoint an attorney who has a contract
3 13 with the state public defender to handle such an appeal.

3 14 ~~4. If the state appellate defender is unable to handle the~~
~~3 15 case or withdraws from the case, or if the appeal is other~~
3 16 ~~than an indictable offense or denial of postconviction relief~~
3 17 ~~including a juvenile case in which a petition on appeal is not~~
3 18 ~~required or a juvenile case in which the trial attorney has~~
3 19 ~~withdrawn from the case, the court shall appoint an attorney~~
3 20 ~~who has a contract with the state public defender to handle~~
3 21 ~~such an appeal.~~

3 22 Sec. 5. Section 815.14, Code 2011, is amended to read as
3 23 follows:

3 24 815.14 Fee for public defender.

3 25 When determining the amount of restitution for each case
3 26 under section 910.3, the expense of the public defender shall
3 27 ~~be~~ include all expenses approved by the state public defender
3 28 together with the attorney fees for the public defender
3 29 calculated at the same hourly rate of compensation specified
3 30 under section 815.7. However, the expense of the attorney fees
3 31 for the public defender shall not exceed the fee limitations
3 32 established in section 13B.4.

3 33 EXPLANATION

3 34 This bill relates to the payment of reasonable attorney
3 35 fees for legal services involving the state public defender.



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House File 602 - Introduced continued

4 1 The bill provides that legal services for indigent persons
4 2 contracted through the state public defender may be paid based
4 3 on other than an hourly rate, including a fixed rate basis.
4 4 The bill provides for the handling of appeals for indigent
4 5 persons by the state appellate defender or by transfer of the
4 6 case to a person under contract with the state public defender.
4 7 The bill provides that the expenses of the public defender in
4 8 determining the amount of restitution for a case include all
4 9 expenses approved by the state public defender together with
4 10 the attorney fees for the public defender.

4 11 The bill also specifies an exception to payment of fees for
4 12 appointed counsel by the person filing or on whose behalf a
4 13 petition for termination of parental rights is filed. Under
4 14 the bill, if an order is issued granting the termination of
4 15 parental rights petition, and an appeal or vacation of the
4 16 order is requested, the person who filed the petition for
4 17 termination of parental rights or the person on whose behalf
4 18 the petition was filed is not responsible for the payment of
4 19 reasonable attorney fees for appointed counsel. Instead,
4 20 appointed counsel is to be paid reasonable attorney fees as
4 21 determined by the state public defender and in accordance with
4 22 the process for payment of such claims.

LSB 1117HV (2) 84

pf/nh



**Iowa General Assembly
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House File 603 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 64)

A BILL FOR

1 An Act relating to eminent domain authority and procedures and
2 including effective date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1659HV (4) 84
md/sc



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House File 603 - Introduced continued

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1 1 Section 1. Section 6A.1, Code 2011, is amended to read as
1 2 follows:

1 3 6A.1 Exercise of power by state.

1 4 1. Proceedings may be instituted and maintained by the
1 5 state of Iowa, or for the use and benefit thereof, for the
1 6 condemnation of such private property as may be necessary
1 7 for any public improvement which the general assembly has
1 8 authorized to be undertaken by the state, and for which an
1 9 available appropriation has been made. The executive council
1 10 shall institute and maintain such proceedings in case authority
1 11 to so do be not otherwise delegated.

1 12 2. All proceedings instituted and maintained by the state
1 13 of Iowa for the condemnation of private property shall not
1 14 commence without the signed authorization of the governor if
1 15 the total amount of private property to be condemned exceeds
1 16 five hundred acres.

1 17 3. Notwithstanding any provision of law to the contrary,
1 18 the condemnation authority granted in this section shall not
1 19 extend to the department of natural resources if the department
1 20 is seeking to acquire real property for purposes of carrying
1 21 out a duty related to the development or maintenance of
1 22 the recreation resources of the state, including planning,
1 23 acquisition, and development of recreational projects, and
1 24 areas and facilities related to such projects.

1 25 Sec. 2. NEW SECTION. 6A.15 Property on state historic
1 26 registry.

1 27 1. Property listed on the state register of historic places
1 28 maintained by the historical division of the department of
1 29 cultural affairs shall not be removed from the register solely
1 30 for the purpose of allowing acquisition of the property by
1 31 condemnation.

1 32 2. Property listed on the state register of historic places
1 33 maintained by the historical division of the department of
1 34 cultural affairs shall not be condemned by the state or a
1 35 political subdivision unless a joint resolution authorizing



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2 1 commencement of the condemnation proceedings is approved by a
2 2 vote of at least two-thirds of the members of both chambers of
2 3 the general assembly and signed by the governor.
2 4 Sec. 3. Section 6A.22, subsection 2, paragraph c,
2 5 subparagraph (1), Code 2011, is amended to read as follows:
2 6 (1) (a) If private property is to be condemned for
2 7 development or creation of a lake, only that number of acres
2 8 justified as reasonable and necessary for a surface drinking
2 9 water source, and not otherwise acquired, may be condemned.
2 10 ~~In addition~~ Prior to making a determination that such lake
2 11 development or creation is reasonable and necessary, the
2 12 acquiring agency shall ~~conduct a review of~~ demonstrate by clear
2 13 and convincing evidence that no other prudent and feasible
2 14 alternatives to ~~alternative for~~ provision of a drinking
2 15 water source prior to making a determination that such lake
2 16 ~~development or creation is reasonable and necessary exists.~~
2 17 Development or creation of a lake as a surface drinking water
2 18 source includes all of the following:
2 19 (i) Construction of the dam, including sites for suitable
2 20 borrow material and the auxiliary spillway.
2 21 (ii) The water supply pool.
2 22 (iii) The sediment pool.
2 23 (iv) The flood control pool.
2 24 (v) The floodwater retarding pool.
2 25 (vi) The surrounding area upstream of the dam no higher in
2 26 elevation than the top of the dam's elevation.
2 27 (vii) The appropriate setback distance required by state or
2 28 federal laws and regulations to protect drinking water supply.
2 29 (b) For purposes of this subparagraph (1), "number of acres
2 30 justified as reasonable and necessary for a surface drinking
2 31 water source" means according to guidelines of the United
2 32 States natural resource conservation service and according to
2 33 analyses of ~~surface~~ surface drinking water capacity needs conducted
2 34 by one or more registered professional engineers. The data
2 35 and information used by the registered professional engineers



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3 1 to analyze and determine the drinking water capacity needs
3 2 under this subparagraph shall first be approved by a committee
3 3 appointed by the affected property owners and comprised of more
3 4 than fifty percent property owners affected by the proposed
3 5 condemnation action. The committee shall hold at least one
3 6 public meeting relating to such data and information prior to
3 7 approval and submission of the data and information to the
3 8 registered professional engineers.

3 9 (c) A second review or analysis of the drinking water
3 10 capacity needs may be requested by any landowner affected
3 11 by the proposed condemnation action, and the engineer to
3 12 perform the second review or analysis shall be selected by the
3 13 committee established under subparagraph division (b). The
3 14 acquiring agency shall be responsible for paying the fees and
3 15 expenses of such an engineer.

3 16 (d) If private property is to be condemned for development
3 17 or creation of a lake, the plans, analyses, applications,
3 18 including any application for funding, and other planning
3 19 activities of the acquiring agency shall not include or provide
3 20 for the use of the lake for recreational purposes.

3 21 Sec. 4. Section 6A.22, subsection 2, Code 2011, is amended
3 22 by adding the following new paragraph:

3 23 NEW PARAGRAPH. d. Notwithstanding paragraphs "a", "b", and
3 24 "c", "public use", "public purpose", or "public improvement" does
3 25 not include any project that receives a state appropriation or
3 26 that receives or is awarded state funds or other funding by
3 27 means of incentives, as authorized pursuant to chapter 12, 15,
3 28 15A, 15E, 15F, 15G, or 16.

3 29 Sec. 5. Section 6A.24, subsection 3, Code 2011, is amended
3 30 to read as follows:

3 31 3. For any action brought under this section, the burden
3 32 of proof shall be on the acquiring agency to prove by a
3 33 ~~preponderance of the~~ clear and convincing evidence that the
3 34 finding of public use, public purpose, or public improvement
3 35 meets the definition of those terms. If a property owner or a



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4 1 contract purchaser of record or a tenant occupying the property
4 2 under a recorded lease prevails in an action brought under
4 3 this section, the acquiring agency shall be required to pay
4 4 the costs, including reasonable attorney fees, of the adverse
4 5 party.

4 6 Sec. 6. Section 6B.2C, Code 2011, is amended to read as
4 7 follows:

4 8 6B.2C Approval of the public improvement.

4 9 The authority to condemn is not conferred, and the
4 10 condemnation proceedings shall not commence, unless the
4 11 governing body for the acquiring agency ~~approves, by~~
4 12 resolution, declares that adequate funding for the public
4 13 improvement has been or is reasonably certain to be secured,
4 14 that the use of condemnation for the public improvement is
4 15 approved, and that there is a reasonable expectation the
4 16 applicant will be able to achieve its public purpose, comply
4 17 with all applicable standards, and obtain the necessary
4 18 permits.

4 19 Sec. 7. Section 6B.4, unnumbered paragraph 1, Code 2011, is
4 20 amended to read as follows:

4 21 Annually the board of supervisors of a county shall appoint
4 22 not less than twenty=eight residents of the county or of
4 23 contiguous counties and the names of such persons shall be
4 24 placed on a list and they shall be eligible to serve as members
4 25 of a compensation commission. One=fourth of the persons
4 26 appointed shall be owner=operators of agricultural property,
4 27 one=fourth of the persons appointed shall be owners of city
4 28 property, one=fourth shall be licensed real estate salespersons
4 29 or real estate brokers, and one=fourth shall be persons having
4 30 knowledge of property values in the county by reason of their
4 31 occupation, such as bankers, auctioneers, property managers,
4 32 property appraisers, and persons responsible for making loans
4 33 on property.

4 34 Sec. 8. Section 6B.14, subsection 2, Code 2011, is amended
4 35 to read as follows:



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5 1 2. Prior to the meeting of the commission, the commission
5 2 or a commissioner shall not communicate with the applicant,
5 3 property owner, or tenant, or their agents, regarding the
5 4 condemnation proceedings. The commissioners shall meet in
5 5 open session to view the property and to receive evidence,
5 6 ~~but may~~ and shall deliberate and vote in ~~closed~~ open session.
5 7 However, if the session relates to condemnation undertaken by
5 8 the department of transportation the commissioners shall meet
5 9 in open session to view the property, receive evidence, and
5 10 vote, but may deliberate in closed session. When deliberating
5 11 in closed session, the meeting is closed to all persons who
5 12 are not commissioners except for personnel from the sheriff's
5 13 office if such personnel is requested by the commission. After
5 14 deliberations commence, the commission and each commissioner is
5 15 prohibited from communicating with any party to the proceeding
5 16 unless such communication occurs in the presence of or with
5 17 the consent of the property owner and other parties who
5 18 appeared before the commission or their agents. However,
5 19 if the commission is deliberating in closed session for a
5 20 condemnation undertaken by the department of transportation,
5 21 and after deliberations commence the commission requires
5 22 further information from a party or a witness, the commission
5 23 shall notify the property owner and the acquiring agency that
5 24 they are allowed to attend the meeting at which such additional
5 25 information shall be provided but only for that period of time
5 26 during which the additional information is being provided.
5 27 The property owner and the acquiring agency shall be given a
5 28 reasonable opportunity to attend the meeting. The commission
5 29 shall keep minutes of all its meetings showing the date, time,
5 30 and place, the members present, and the action taken at each
5 31 meeting. The minutes shall show the results of each vote taken
5 32 and information sufficient to indicate the vote of each member
5 33 present. ~~The vote of each member present shall be made public~~
5 34 ~~at the open session.~~ The minutes shall be public records open
5 35 to public inspection.



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House File 603 - Introduced continued

6 1 Sec. 9. Section 6B.54, subsection 10, paragraph a, Code
6 2 2011, is amended by adding the following new subparagraph:
6 3 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and
6 4 reasonable costs not to exceed one hundred thousand dollars,
6 5 attributable to a determination that the creation of a lake
6 6 through condemnation includes a future recreational use or that
6 7 a violation of section 6A.22, subsection 2, paragraph "c",
6 8 subparagraph (1), subparagraph division (d), has occurred, if
6 9 such fees and costs are not otherwise provided under section
6 10 6B.33.

6 11 Sec. 10. NEW SECTION. 6B.56B Disposition of condemned
6 12 property ==== two=year time period.

6 13 1. When two years have elapsed since property was condemned
6 14 for the creation of a lake according to the requirements of
6 15 section 6A.22, subsection 2, paragraph "c", subparagraph (1),
6 16 and the property has not been used for or construction has not
6 17 begun for the purpose stated in the application filed pursuant
6 18 to section 6B.3, and the acquiring agency has not taken action
6 19 to dispose of the property pursuant to section 6B.56, the
6 20 acquiring agency shall, within sixty days, adopt a resolution
6 21 offering the property for sale to the prior owner at a price as
6 22 provided in section 6B.56. If the resolution adopted approves
6 23 an offer of sale to the prior owner, the offer shall be made
6 24 in writing and mailed by certified mail to the prior owner.
6 25 The prior owner has one hundred eighty days after the offer is
6 26 mailed to purchase the property from the acquiring agency.

6 27 2. If the acquiring agency has not adopted a resolution
6 28 described in subsection 1 within the sixty=day time period, the
6 29 prior owner may, in writing, petition the acquiring agency to
6 30 offer the property for sale to the prior owner at a price as
6 31 provided in section 6B.56. Within sixty days after receipt of
6 32 such a petition, the acquiring agency shall adopt a resolution
6 33 described in subsection 1. If the acquiring agency does not
6 34 adopt such a resolution within sixty days after receipt of the
6 35 petition, the acquiring agency is deemed to have offered the



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7 1 property for sale to the prior owner.

7 2 3. The acquiring agency shall give written notice to the
7 3 owner of the right to purchase the property under this section
7 4 at the time damages are paid to the owner.

7 5 Sec. 11. Section 316.4, subsection 1, Code 2011, is amended
7 6 to read as follows:

7 7 1. If a program or project undertaken by a displacing agency
7 8 will result in the displacement of a person, the displacing
7 9 agency shall make a payment to the displaced person, upon
7 10 proper application as approved by the displacing agency, for
7 11 actual reasonable and necessary expenses incurred in moving the
7 12 person, the person's family, business, farm operation, or other
7 13 personal property subject to rules and limits established by
7 14 the department. The payment may also provide for actual direct
7 15 losses of tangible personal property, purchase of substitute
7 16 personal property, business reestablishment expenses, storage
7 17 expenses, and expenses incurred in searching for a replacement
7 18 business or farm. If relocation of a business or farm
7 19 operation is not economically feasible, the displaced person
7 20 may also apply for payment of the loss of existing business
7 21 relationships because of the inability to relocate the business
7 22 or farm operation to a location similar in economic advantage
7 23 to the location from which the business or farm operation was
7 24 displaced.

7 25 Sec. 12. Section 364.4, subsection 1, paragraph a,
7 26 unnumbered paragraph 1, Code 2011, is amended to read as
7 27 follows:

7 28 Acquire, hold, and dispose of property outside the city in
7 29 the same manner as within. However, the power of a city to
7 30 acquire property outside the city does not include the power
7 31 to acquire property outside the city by eminent domain, except
7 32 if viable alternatives do not exist within the city and the
7 33 acquisition of the property is necessary for the following,
7 34 subject to the provisions of chapters 6A and 6B:

7 35 Sec. 13. Section 403.7, subsection 1, unnumbered paragraph



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8 1 1, Code 2011, is amended to read as follows:

8 2 A municipality shall have the right to acquire by
8 3 condemnation any interest in real property, including a fee
8 4 simple title thereto, which it may deem necessary for or in
8 5 connection with an urban renewal project under this chapter,
8 6 subject to the limitations on eminent domain authority
8 7 in ~~chapter~~ chapters 6A and 6B. However, a municipality
8 8 shall not condemn agricultural land included within an
8 9 economic development area for any use unless the owner of
8 10 the agricultural land consents to condemnation or unless ~~the~~
~~8 11 municipality determines that the land is necessary or useful~~
~~8 12 viable alternatives to the condemnation of agricultural land do~~
8 13 not exist and the acquisition of the property is necessary for
8 14 any of the following:

8 15 Sec. 14. NEW SECTION. 423B.11 Use of revenues ====

8 16 limitation.

8 17 The revenue raised by a local sales and services tax imposed
8 18 under this chapter by a county shall not be expended for any
8 19 purpose related to a project that includes the condemnation of
8 20 private property for the creation of a lake according to the
8 21 requirements of section 6A.22, subsection 2, paragraph "c",
8 22 subparagraph (1), if the local sales and services tax has not
8 23 been approved at election in the area where the property to be
8 24 condemned is located.

8 25 Sec. 15. Section 455A.5, Code 2011, is amended by adding the
8 26 following new subsection:

8 27 NEW SUBSECTION. 7. The authority granted to the commission
8 28 to acquire real property for purposes of carrying out a
8 29 duty related to development or maintenance of the recreation
8 30 resources of the state, including planning, acquisition, and
8 31 development of recreational projects, and areas and facilities
8 32 related to such projects, shall not include the authority to
8 33 acquire real property by eminent domain.

8 34 Sec. 16. Section 456A.24, subsection 2, unnumbered
8 35 paragraph 1, Code 2011, is amended to read as follows:



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9 1 Acquire by purchase, ~~condemnation~~, lease, agreement,
9 2 gift, and devise lands or waters suitable for the purposes
9 3 hereinafter enumerated, and rights=of=way thereto, and to
9 4 maintain the same for the following purposes, ~~to wit~~:
9 5 Sec. 17. Section 456A.24, Code 2011, is amended by adding
9 6 the following new subsection:
9 7 NEW SUBSECTION. 15. The authority granted the department
9 8 to acquire real property for any statutory purpose relating to
9 9 the development or maintenance of the recreation resources of
9 10 the state, including planning, acquisition, and development
9 11 of recreational projects, and areas and facilities related to
9 12 such projects, shall not include the authority to acquire real
9 13 property by eminent domain.
9 14 Sec. 18. Section 461A.7, Code 2011, is amended to read as
9 15 follows:
9 16 461A.7 ~~Eminent domain~~ Purchase of lands === public parks.
9 17 The commission may purchase ~~or condemn~~ lands from willing
9 18 sellers for public parks. ~~No~~ A contract for the purchase of
9 19 such public parks shall not be made to an amount in excess of
9 20 funds appropriated therefor by the general assembly.
9 21 Sec. 19. Section 461A.10, Code 2011, is amended to read as
9 22 follows:
9 23 461A.10 Title to lands.
9 24 The title to all lands purchased, ~~condemned~~, or donated,
9 25 hereunder, for park ~~or highway~~ purposes and the title to all
9 26 lands purchased, condemned, or donated hereunder for highway
9 27 purposes, shall be taken in the name of the state and if
9 28 thereafter it shall be deemed advisable to sell any portion of
9 29 the land so purchased or condemned, the proceeds of such sale
9 30 shall be placed to the credit of the said public state parks
9 31 fund to be used for such park purposes.
9 32 Sec. 20. Section 463C.8, subsection 1, paragraph k, Code
9 33 2011, is amended to read as follows:
9 34 k. The power to acquire, own, hold, administer, and dispose
9 35 of property, except that such power is not a grant of authority



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House File 603 - Introduced continued

10 1 to acquire property by eminent domain.

10 2 Sec. 21. REPEAL. Sections 461A.9 and 461A.75, Code 2011,
10 3 are repealed.

10 4 Sec. 22. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
10 5 Act, being deemed of immediate importance, takes effect upon
10 6 enactment and applies to projects or condemnation proceedings
10 7 pending or commenced on or after that date.

10 8 EXPLANATION

10 9 This bill makes changes relating to eminent domain authority
10 10 and procedures.

10 11 The bill provides that proceedings for the acquisition of
10 12 property by eminent domain shall not be instituted by the state
10 13 without the signed authorization of the governor if the total
10 14 amount of private property to be condemned exceeds 500 acres.

10 15 The bill changes the standard of proof from a preponderance
10 16 of the evidence to clear and convincing evidence for an action
10 17 brought in district court challenging the exercise of eminent
10 18 domain authority or contesting condemnation proceedings. The
10 19 bill adds reasonable attorney fees and reasonable costs that
10 20 are attributable to certain condemnation proceedings relating
10 21 to the creation of a lake, up to \$100,000, to the list of
10 22 expenses reimbursable by an acquiring agency to a property
10 23 owner.

10 24 The bill provides that property listed on the state register
10 25 of historic places shall not be removed from the register
10 26 solely for the purpose of allowing the property to be acquired
10 27 by condemnation. The bill also provides that property on the
10 28 state register of historic places may not be condemned unless
10 29 a joint resolution authorizing the condemnation is approved
10 30 by a vote of at least two-thirds of each house of the general
10 31 assembly and signed by the governor.

10 32 The bill provides that the authority to condemn property is
10 33 not conferred, and condemnation proceedings shall not commence,
10 34 until the governing body of the acquiring agency has declared
10 35 that adequate funding for the public improvement has been



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House File 603 - Introduced continued

11 1 secured or is reasonably certain to be secured.

11 2 Current Code section 6B.4 requires the 28 persons appointed
11 3 by the board of supervisors to the list of persons eligible
11 4 to serve on a compensation commission to be residents of that
11 5 county. The bill allows such appointees to be residents of the
11 6 county or residents of contiguous counties.

11 7 The bill provides that the compensation commission
11 8 that meets to determine damages and appraise property in a
11 9 condemnation proceeding shall deliberate and vote in open
11 10 session. The bill also provides that, as an exception to
11 11 the general prohibition from communicating with a party to
11 12 the proceeding after deliberations commence, the commission
11 13 and each commissioner is permitted such communication if it
11 14 occurs in the presence of or with consent of the property
11 15 owner and the other parties or their agents. The bill retains
11 16 the compensation commission's ability to deliberate in
11 17 closed session for condemnation proceedings undertaken by the
11 18 department of transportation.

11 19 The bill provides that, for purposes of exercising eminent
11 20 domain authority, "public use", "public purpose", or "public
11 21 improvement" does not include any project that receives state
11 22 funding or assistance through specified economic development,
11 23 tourism, or community betterment programs.

11 24 The bill provides that if relocation of a business or
11 25 farm operation is not economically feasible, the displaced
11 26 person may apply for payment of the loss of existing business
11 27 relationships because of the inability to relocate the business
11 28 or farm operation to a location similar in economic advantage
11 29 to the location from which the business or farm operation was
11 30 moved.

11 31 The bill adds a condition to the circumstances in which a
11 32 city may condemn land outside the city limits to provide that
11 33 condemnation may occur if viable alternatives do not exist
11 34 within the city and the acquisition of the land is necessary
11 35 for the purposes stated in current law. The bill also amends



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12 1 urban renewal law relating to the circumstances in which a
12 2 municipality may condemn agricultural land within an economic
12 3 development urban renewal area to provide that condemnation may
12 4 occur if viable alternatives do not exist and the acquisition
12 5 of the land is necessary for the purposes stated in current
12 6 law.

12 7 The bill provides that the department of natural resources
12 8 and the natural resource commission shall not exercise eminent
12 9 domain authority to acquire real property for purposes of
12 10 carrying out a duty related to development or maintenance of
12 11 the recreation resources of the state, including planning,
12 12 acquisition, and development of recreational projects, and
12 13 areas and facilities related to such projects. The bill
12 14 retains the department's authority to acquire property through
12 15 condemnation for highway purposes.

12 16 The bill makes changes relating to eminent domain authority
12 17 in relation to development or creation of a lake. The bill
12 18 provides that, prior to making a determination that creation or
12 19 development of a lake is reasonable and necessary, an acquiring
12 20 agency must demonstrate by clear and convincing evidence that
12 21 no other prudent and feasible alternative for provision of a
12 22 drinking water source exists. The bill requires the data and
12 23 information used by the registered professional engineers to
12 24 analyze and determine the drinking water capacity needs to
12 25 first be approved by a committee appointed by the affected
12 26 property owners and comprised of more than 50 percent property
12 27 owners affected by the proposed condemnation action. The
12 28 committee is required to hold at least one public meeting
12 29 relating to such data and information prior to approval and
12 30 submission of the data and information to the registered
12 31 professional engineers. The bill provides that a landowner
12 32 affected by the proposed condemnation action may request a
12 33 second review or analysis, and the engineer shall be selected
12 34 by the committee appointed by the property owners affected by
12 35 the proposed condemnation action. The bill further provides



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House File 603 - Introduced continued

13 1 that the acquiring agency shall pay for the services of such
13 2 an engineer. The bill provides that if private property is to
13 3 be condemned for development or creation of a lake, the plans,
13 4 analyses, applications, including any application for funding,
13 5 and other planning activities of the acquiring agency shall not
13 6 include or provide for the use of the lake for recreational
13 7 purposes.

13 8 The bill provides that when two years have elapsed since
13 9 property was condemned for the creation of a lake and the
13 10 property has not been used for or construction has not begun
13 11 for the purpose stated in the application, and the acquiring
13 12 agency has not taken action to dispose of the property pursuant
13 13 to Code section 6B.56, the acquiring agency shall, within 60
13 14 days, adopt a resolution offering the property for sale to the
13 15 prior owner at a price as provided in Code section 6B.56. If
13 16 the acquiring agency has not adopted a resolution within the
13 17 60-day time period, the prior owner may petition the acquiring
13 18 agency to offer the property for sale to the prior owner at a
13 19 price as provided in Code section 6B.56. The bill requires the
13 20 acquiring agency to give written notice to the owner at the
13 21 time damages are paid to the owner of the right to purchase the
13 22 property under such circumstances.

13 23 The bill provides that the revenue raised by a local sales
13 24 and services tax imposed under Code chapter 423B by a county
13 25 shall not be expended for any purpose related to a project
13 26 that includes the condemnation of private property for the
13 27 creation of a lake if the local sales and services tax has not
13 28 been approved at election in the area where the property to be
13 29 condemned is located.

13 30 The bill takes effect upon enactment and applies to projects
13 31 or condemnation proceedings pending or commenced on or after
13 32 that date.

LSB 1659HV (4) 84
md/sc



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House File 604 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 115)

A BILL FOR

1 An Act relating to consideration of the educational setting of
2 a minor child in a child custody proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1677HV (2) 84
pf/nh



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House File 604 - Introduced continued

PAG LIN

1 1 Section 1. Section 598.1, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 2A. "Educational setting" means a public
1 4 school, an accredited nonpublic school, competent private
1 5 instruction in accordance with the provisions of chapter 299A,
1 6 or any other method of educational instruction that satisfies
1 7 the compulsory education requirements of chapter 299.

1 8 Sec. 2. Section 598.10, subsection 1, Code 2011, is amended
1 9 by adding the following new paragraph:

1 10 NEW PARAGRAPH. c. If the parents are in disagreement over a
1 11 minor child's educational setting, the court shall consider the
1 12 educational setting of the minor child in making a temporary
1 13 order for custody. There is a rebuttable presumption that
1 14 it is in the best interest of the minor child to remain in
1 15 the educational setting in which the minor child was enrolled
1 16 during the immediately preceding school year.

1 17 Sec. 3. Section 598.41, Code 2011, is amended by adding the
1 18 following new subsections:

1 19 NEW SUBSECTION. 4A. If the court awards joint legal custody
1 20 to the parents, but the parents are in disagreement over a
1 21 minor child's educational setting, the court shall consider,
1 22 and include a provision in the custody order regarding, the
1 23 educational setting of the minor child. There is a rebuttable
1 24 presumption that it is in the best interest of the minor child
1 25 to remain in the educational setting in which the minor child
1 26 was enrolled during the immediately preceding school year.

1 27 NEW SUBSECTION. 10. All orders relating to custody of a
1 28 child shall specify the rights and responsibilities of each
1 29 parent relative to the minor child's educational setting.
1 30 The order shall, at a minimum, specify a parent's rights
1 31 and responsibilities regarding physical access to the child
1 32 during the school day; access to records involving the health,
1 33 education, and welfare of the child; decision-making authority
1 34 including instances when parental consent or authorization is
1 35 required; and the removal of the child from the premises of the



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2 1 educational setting during school hours. Any parent with legal
2 2 custody of the child shall provide a copy of the order to the
2 3 educational setting and to the school district of the child to
2 4 whom the order applies.

2 5 EXPLANATION

2 6 This bill provides that in determining temporary custody
2 7 orders or the award of joint legal custody for a minor child,
2 8 if the parents are in disagreement over the minor child's
2 9 educational setting, the court is to consider the educational
2 10 setting of the minor child. In the case of awarding joint
2 11 legal custody, the court is also to include a provision in
2 12 the order regarding the educational setting of the minor
2 13 child. There is a rebuttable presumption that it is in the
2 14 best interest of the minor child to remain in the educational
2 15 setting in which the minor child was enrolled during the
2 16 immediately preceding school year. The bill also defines
2 17 "educational setting".

2 18 The bill directs that all orders relating to the custody
2 19 of a child shall specify the rights and responsibilities of
2 20 each parent relative to the minor child's educational setting
2 21 and specifies the minimum rights and responsibilities to be
2 22 addressed in the order. The bill requires that any parent with
2 23 legal custody of the child is to provide a copy of the order to
2 24 the educational setting and to the school district of the child
2 25 to whom the order applies.

LSB 1677HV (2) 84

pf/nh



**Iowa General Assembly
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House File 605 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 200)

A BILL FOR

1 An Act relating to expunging criminal records upon acquittal or
2 dismissal.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1853HV (2) 84
jm/rj



**Iowa General Assembly
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House File 605 - Introduced continued

PAG LIN

1 1 Section 1. EXPUNGING RECORDS. The general assembly shall
1 2 review the expungement of criminal records.

1 3 EXPLANATION

1 4 This bill states that the general assembly shall review the
1 5 expungement of criminal records.

LSB 1853HV (2) 84

jm/rj



**Iowa General Assembly
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House File 606 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 382)

A BILL FOR

1 An Act relating to license revocation periods for persons under
2 the age of twenty=one and Iowa's operating=while=intoxicated
3 law.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2242HV (2) 84

rh/nh



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House File 606 - Introduced continued

PAG LIN

1 1 Section 1. Section 321J.2, subsection 8, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. A license revocation that occurs under
1 4 section 321J.2A shall not be used for purposes of extending the
1 5 license revocation period pursuant to section 321J.12 for a
1 6 second or subsequent offense that occurs under this section.
1 7 Sec. 2. Section 321J.2A, Code 2011, is amended to read as
1 8 follows:
1 9 321J.2A Persons under the age of twenty=one ==== license
1 10 revocation.
1 11 1. a. A person who is under the age of twenty=one shall not
1 12 operate a motor vehicle while having an alcohol concentration,
1 13 as defined under section 321J.1, of .02 or more. The driver's
1 14 license or nonresident operating privilege of a person who is
1 15 under the age of twenty=one and who operates a motor vehicle
1 16 while having an alcohol concentration of .02 or more shall be
1 17 revoked by the department for the period of time specified
1 18 under section 321J.12.
1 19 b. A license revocation that occurs under this section shall
1 20 not be used for purposes of extending the license revocation
1 21 period pursuant to section 321J.12 for a second or subsequent
1 22 offense that occurs under section 321J.2.
1 23 2. A revocation under this section shall not preclude
1 24 a prosecution or conviction under any applicable criminal
1 25 provisions of this chapter. However, if the person is
1 26 convicted of a criminal offense under section 321J.2, the
1 27 revocation imposed under this section shall be superseded by
1 28 any revocation imposed as a result of the conviction.
1 29 3. In any proceeding regarding a revocation under this
1 30 section, evidence of the results of analysis of a specimen of
1 31 the defendant's blood, breath, or urine is admissible upon
1 32 proof of a proper foundation. The alcohol concentration
1 33 established by the results of an analysis of a specimen of the
1 34 defendant's blood, breath, or urine withdrawn within two hours
1 35 after the defendant was driving or in physical control of a



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2 1 motor vehicle is presumed to be the alcohol concentration at
2 2 the time of driving or being in physical control of the motor
2 3 vehicle.

2 4 Sec. 3. Section 321J.4, subsection 1, unnumbered paragraph
2 5 1, Code 2011, is amended to read as follows:

2 6 If a defendant is convicted of a violation of section 321J.2
2 7 and the defendant's driver's license or nonresident operating
2 8 privilege has not been revoked under section 321J.9 or 321J.12
2 9 for the occurrence from which the arrest arose, the department
2 10 shall revoke the defendant's driver's license or nonresident
2 11 operating privilege for one hundred eighty days if the
2 12 defendant submitted to chemical testing and has had no previous
2 13 conviction or revocation under this chapter, except pursuant
2 14 to section 321J.2A, and shall revoke the defendant's driver's
2 15 license or nonresident operating privilege for one year if the
2 16 defendant refused to submit to chemical testing and has had
2 17 no previous conviction or revocation under this chapter. The
2 18 defendant shall not be eligible for any temporary restricted
2 19 license for at least ninety days if a test was refused under
2 20 section 321J.9.

2 21 Sec. 4. Section 321J.4, subsection 2, Code 2011, is amended
2 22 to read as follows:

2 23 2. If a defendant is convicted of a violation of section
2 24 321J.2, and the defendant's driver's license or nonresident
2 25 operating privilege has not already been revoked under section
2 26 321J.9 or 321J.12 for the occurrence from which the arrest
2 27 arose, the department shall revoke the defendant's driver's
2 28 license or nonresident operating privilege for one year if the
2 29 defendant submitted to chemical testing and has had a previous
2 30 conviction or revocation under this chapter, except as provided
2 31 in section 321J.2A, and shall revoke the defendant's driver's
2 32 license or nonresident operating privilege for two years if the
2 33 defendant refused to submit to chemical testing and has had
2 34 a previous revocation under this chapter, except as provided
2 35 in section 321J.2A. The defendant shall not be eligible for



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3 1 any temporary restricted license for forty=five days after the
3 2 effective date of revocation if the defendant submitted to
3 3 chemical testing and shall not be eligible for any temporary
3 4 restricted license for ninety days after the effective date
3 5 of revocation if the defendant refused chemical testing. The
3 6 temporary restricted license shall be issued in accordance with
3 7 section 321J.20, subsection 2. The department shall require
3 8 the defendant to install an ignition interlock device of a type
3 9 approved by the commissioner of public safety on all vehicles
3 10 owned or operated by the defendant if the defendant seeks a
3 11 temporary restricted license at the end of the minimum period
3 12 of ineligibility. A temporary restricted license shall not
3 13 be granted by the department until the defendant installs the
3 14 ignition interlock device.

3 15 Sec. 5. Section 321J.12, subsection 1, paragraphs a and b,
3 16 Code 2011, are amended to read as follows:

3 17 a. One hundred eighty days if the person has had no
3 18 revocation under this chapter, except pursuant to section
3 19 321J.2A.

3 20 b. One year if the person has had a previous revocation
3 21 under this chapter, except as provided in section 321J.2A.

3 22 Sec. 6. Section 321J.12, subsection 5, Code 2011, is amended
3 23 to read as follows:

3 24 5. Upon certification, subject to penalty of perjury, by the
3 25 peace officer that there existed reasonable grounds to believe
3 26 that the person had been operating a motor vehicle in violation
3 27 of section 321J.2A, that there existed one or more of the
3 28 necessary conditions for chemical testing described in section
3 29 321J.6, subsection 1, and that the person submitted to chemical
3 30 testing and the test results indicated an alcohol concentration
3 31 of .02 or more but less than .08, the department shall revoke
3 32 the person's driver's license or operating privilege for
3 33 a period of sixty days if the person has had no previous
3 34 revocation under this chapter, and for a period of ninety days
3 35 if the person has had a previous revocation under this chapter,



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4 1 except as provided in section 321J.2A.

4 2 EXPLANATION

4 3 Current law (Code section 321J.2A) provides that a person
4 4 under the age of 21 is subject to an administrative license
4 5 revocation for operating a motor vehicle with an alcohol
4 6 concentration of .02 or more (60 days for an initial revocation
4 7 and 90 days for subsequent violations under Code section
4 8 321J.12), regardless of whether the person is convicted of a
4 9 criminal offense of operating=while=intoxicated under Code
4 10 section 321J.2 (alcohol concentration of .08 or more). The
4 11 bill specifies that a license revocation that occurs under Code
4 12 section 321J.2A shall not be used for purposes of extending the
4 13 license revocation period pursuant to Code section 321J.12 for
4 14 a second or subsequent offense that occurs under Code section
4 15 321J.2.

4 16 The bill makes conforming changes to Code section 321J.4
4 17 (license revocations for persons convicted of or receiving a
4 18 deferred judgment under Code section 321J.2) and Code section
4 19 321J.12 (length of license revocations for test failures).

LSB 2242HV (2) 84

rh/nh



Iowa General Assembly
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House File 607 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 44)

A BILL FOR

1 An Act establishing a parole procedure for certain persons
2 serving a class "A" felony sentence, and including effective
3 date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1045HV (2) 84

jm/rj



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PAG LIN

1 1 Section 1. Section 902.1, Code 2011, is amended to read as
1 2 follows:
1 3 902.1 Class "A" felony.
1 4 1. Upon a plea of guilty, a verdict of guilty, or a special
1 5 verdict upon which a judgment of conviction of a class "A"
1 6 felony may be rendered, the court shall enter a judgment of
1 7 conviction and shall commit the defendant into the custody of
1 8 the director of the Iowa department of corrections for the rest
1 9 of the defendant's life. Nothing in the Iowa corrections code
1 10 pertaining to deferred judgment, deferred sentence, suspended
1 11 sentence, or reconsideration of sentence applies to a class "A"
1 12 felony, and a person convicted of a class "A" felony shall not
1 13 be released on parole unless the governor commutes the sentence
1 14 to a term of years.
1 15 2. a. Notwithstanding subsection 1, a person convicted
1 16 of a class "A" felony, and who was a child under the age
1 17 of eighteen at the time the offense was committed shall be
1 18 eligible for parole after serving a minimum term of confinement
1 19 between thirty and forty=five years. The court, at the time of
1 20 sentencing, shall determine the specific term of confinement to
1 21 be served between thirty and forty=five years before the person
1 22 is eligible for parole.
1 23 b. If a person is paroled pursuant to this subsection the
1 24 person shall be subject to the same set of procedures set out
1 25 in chapters 901B, 905, 906, and chapter 908, and rules adopted
1 26 under those chapters for persons on parole.
1 27 c. A person convicted of murder in the first degree in
1 28 violation of section 707.2 shall not be eligible for parole
1 29 pursuant to this subsection.
1 30 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 31 immediate importance, takes effect upon enactment.
1 32 EXPLANATION
1 33 This bill establishes a parole procedure for certain persons
1 34 serving a class "A" felony.
1 35 The bill provides that a person serving a class "A" felony,



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2 1 other than a person convicted of murder in the first degree,
2 2 who was under 18 years of age when the offense was committed is
2 3 eligible for parole after serving a minimum term of confinement
2 4 between 30 and 45 years. The court, at the time of sentencing,
2 5 shall determine the specific term of confinement to be served
2 6 between 30 and 45 years before the person is eligible for
2 7 parole.

2 8 The bill applies to the following class "A" felonies:
2 9 conspiracy to manufacture for delivery, delivery, or intent to
2 10 deliver amphetamine or methamphetamine to a minor in violation
2 11 of Code section 124.401D; sexual abuse in the first degree in
2 12 violation of Code section 709.2; kidnapping in the first degree
2 13 in violation of Code section 710.2; and enhanced penalties for
2 14 sexual abuse and lascivious acts with a child in violation of
2 15 Code section 902.14.

2 16 If a person is paroled pursuant to the bill, the person
2 17 shall be subject to the same set of procedures set out in Code
2 18 chapters 901B, 905, 906, and 908, and rules adopted under those
2 19 Code chapters for persons on parole. The parole status of a
2 20 person paroled pursuant to the bill may be revoked and the
2 21 original sentence imposed under the procedures of Code chapter
2 22 908. The paroled person may also be discharged early from
2 23 parole pursuant to Code section 906.15.

2 24 Code section 903A.5 does not apply to reduce the mandatory
2 25 minimum sentence of 25 years established by the bill.

2 26 The bill also does not apply to enhanced life sentences in
2 27 Code chapter 901A (sexually predatory offenses).

2 28 The bill takes effect upon enactment.

LSB 1045HV (2) 84

jm/rj



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House File 608 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 88)

A BILL FOR

1 An Act relating to county attorney duties when representing the
2 department of human services in juvenile court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TLSB 1599HV (2) 84
 jm/sc



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PAG LIN

1 1 Section 1. Section 232.37, subsection 1, Code 2011, is
1 2 amended to read as follows:

1 3 1. After a petition has been filed the court shall set
1 4 a time for an adjudicatory hearing and unless the ~~parties~~
~~1 5 persons~~ named in subsection 2 voluntarily appear, shall issue
1 6 a summons requiring the child to appear before the court at a
1 7 time and place stated and requiring the person who has custody
1 8 or control of the child to appear before the court and to bring
1 9 the child with the person at that time. The summons shall
1 10 attach a copy of the petition and shall give notification of
1 11 the right to counsel provided for in section 232.11.

1 12 Sec. 2. Section 232.71C, subsection 1, Code 2011, is amended
1 13 to read as follows:

1 14 1. If, upon completion of an assessment performed under
1 15 section 232.71B, the department determines that the best
1 16 interests of the child require juvenile court action, the
1 17 department shall act appropriately to initiate the action.
1 18 If at any time during the assessment process the department
1 19 believes court action is necessary to safeguard a child, the
1 20 department shall act appropriately to initiate the action. ~~The~~
~~1 21 county attorney shall assist the department as provided under~~
~~1 22 section 232.90, subsection 2.~~

1 23 Sec. 3. Section 232.87, subsection 2, Code 2011, is amended
1 24 to read as follows:

1 25 2. A petition may be filed by the department of human
1 26 services, juvenile court officer, or county attorney. In
1 27 determining whether a petition is to be filed, the department
1 28 or a juvenile court officer may consult with the county
1 29 attorney. If the county attorney declines to file a petition
1 30 requested by the department or juvenile court officer, the
1 31 department or juvenile court officer may file the petition
1 32 pursuant to this section, and may request that the attorney
1 33 general represent the state in place of the county attorney.

1 34 Sec. 4. Section 232.88, Code 2011, is amended to read as
1 35 follows:



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2 1 232.88 Summons, notice, subpoenas, and service.

2 2 After a petition has been filed, the court shall issue and
2 3 serve summons, subpoenas, and other process in the same manner
2 4 as for adjudicatory hearings in cases of juvenile delinquency
2 5 as provided in section 232.37. Reasonable notice shall be
2 6 provided to the persons required to be provided notice under
2 7 section 232.37, except that notice shall be waived regarding
2 8 a person who was notified of the adjudicatory hearing and who
2 9 failed to appear. In addition, reasonable notice for any
2 10 hearing under this division shall be provided to the department
2 11 of human services, and the agency, facility, institution,
2 12 or person, including a foster parent, relative, or other
2 13 individual providing preadoptive care, with whom a child has
2 14 been placed.

2 15 Sec. 5. Section 232.90, Code 2011, is amended to read as
2 16 follows:

2 17 232.90 Duties of county attorney.

2 18 1. As used in this section, "state" means the general
2 19 interest held by the people in the health, safety, welfare, and
2 20 protection of all children living in this state.

2 21 ~~1.~~ 2. The county attorney shall represent the state in
2 22 proceedings arising from a petition filed under this division
2 23 ~~and shall present evidence in support of the petition.~~ The
2 24 county attorney shall be present at proceedings initiated by
2 25 petition under this division filed by an intake officer or the
2 26 county attorney, or if a party to the proceedings contests the
2 27 proceedings, or if the court determines there is a conflict of
2 28 interest between the child and the child's parent, guardian, or
2 29 custodian or if there are contested issues before the court.

2 30 ~~2. The county attorney shall represent the department in~~
~~2 31 proceedings arising under this division. However, if there is~~
~~2 32 disagreement between the department and the county attorney~~
~~2 33 regarding the appropriate action to be taken, the department~~
~~2 34 may request to be represented by the attorney general in place~~
~~2 35 of the county attorney.~~



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3 1 3. At the dispositional hearing or any subsequent
3 2 modification hearing held pursuant to this division, the county
3 3 attorney shall present to the court evidence regarding the
3 4 availability, fiscal impact, or fiscal limitations of any
3 5 placement for the child that is under consideration by the
3 6 court, if such evidence is provided by the department or the
3 7 county attorney.

3 8 4. In any proceeding under this division, the county
3 9 attorney shall consult with the department to ensure compliance
3 10 with all applicable state and federal laws regarding the case
3 11 permanency plan for the child.

3 12 Sec. 6. Section 232.102, subsection 1, paragraph a,
3 13 unnumbered paragraph 1, Code 2011, is amended to read as
3 14 follows:

3 15 After a dispositional hearing and consideration of
3 16 all information provided by the department regarding the
3 17 availability, fiscal impact, or fiscal limitations to placement
3 18 for the child, the court may enter an order transferring the
3 19 legal custody of the child to one of the following for purposes
3 20 of placement:

3 21 Sec. 7. Section 232.104, subsection 1, Code 2011, is amended
3 22 by adding the following new paragraph:

3 23 NEW PARAGRAPH. d. If an initial permanency hearing is
3 24 not timely scheduled by the court, the department may seek
3 25 assistance of the county attorney in requesting that the court
3 26 set a timely permanency hearing.

3 27 Sec. 8. Section 232.111, subsection 1, Code 2011, is amended
3 28 to read as follows:

3 29 1. A child's guardian, guardian ad litem, or custodian,
3 30 the department of human services, a juvenile court officer, or
3 31 the county attorney may file a petition for termination of the
3 32 parent=child relationship and parental rights with respect to a
3 33 child. In determining whether a petition is to be filed, the
3 34 department or a juvenile court officer may consult with the
3 35 county attorney. If the county attorney declines to file a



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4 1 petition requested by the department or juvenile court officer,
4 2 the department or juvenile court officer may file the petition
4 3 pursuant to this section, and may request that the attorney
4 4 general represent the state in place of the county attorney.
4 5 Sec. 9. Section 232.111, subsection 4, paragraph b,
4 6 subparagraph (3), Code 2011, is amended to read as follows:
4 7 (3) ~~Custodian~~ Legal custodian of the child.
4 8 Sec. 10. Section 232.112, subsection 1, Code 2011, is
4 9 amended to read as follows:
4 10 1. Persons listed in section 232.111, subsection 4, other
4 11 than the department of human services, shall be necessary
4 12 parties to a termination of parent=child relationship
4 13 proceeding and are entitled to receive notice and an
4 14 opportunity to be heard, except that notice may be dispensed
4 15 with in the case of any such person whose name or whereabouts
4 16 the court determines is unknown and cannot be ascertained by
4 17 reasonably diligent search. In addition to the persons who are
4 18 necessary parties who may be parties under section 232.111,
4 19 notice for any hearing under this division shall be provided to
4 20 the department of human services, the child's foster parent,
4 21 an individual providing preadoptive care for the child, or a
4 22 relative providing care for the child.
4 23 Sec. 11. Section 232.114, Code 2011, is amended to read as
4 24 follows:
4 25 232.114 Duties of county attorney.
4 26 1. As used in this section, "state" means the general
4 27 interest held by the people in the health, safety, welfare, and
4 28 protection of all children living in this state.
4 29 ~~1. 2.~~ Upon the filing of a petition the county attorney
4 30 shall represent the state in all adversary proceedings arising
4 31 under this division ~~and shall present evidence in support of~~
~~4 32 the petition.~~
4 33 ~~2. The county attorney shall represent the department in~~
~~4 34 proceedings arising under this division. However, if there is~~
~~4 35 disagreement between the department and the county attorney~~



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~~5 1 regarding the appropriate action to be taken, the department
5 2 may request to be represented by the attorney general in place
5 3 of the county attorney.~~

5 4 Sec. 12. Section 232.180, Code 2011, is amended to read as
5 5 follows:

5 6 232.180 Duties of county attorney.

5 7 1. As used in this section, "state" means the general
5 8 interest held by the people in the health, safety, welfare, and
5 9 protection of all children living in this state.

5 10 2. Upon the filing of a petition and the request of the
5 11 department, the county attorney shall represent the state in
5 12 all adversary proceedings arising under this division and shall
5 13 present evidence in support of the petition ~~as provided under~~
5 14 ~~section 232.90.~~

5 15 EXPLANATION

5 16 This bill relates to county attorney duties when
5 17 representing the department of human services in juvenile
5 18 court.

5 19 Code section 232.37 is amended to provide that unless the
5 20 known parents, guardians or legal custodians of a child, the
5 21 child, and the child's guardian ad litem voluntarily appear for
5 22 an adjudicatory hearing to determine if the child has committed
5 23 a delinquent act, the court shall issue a summons requiring the
5 24 child to appear before the court at a time and place stated and
5 25 requiring the person who has custody or control of the child to
5 26 appear before the court and to bring the child with the person
5 27 at the time of the hearing. Code section 232.37(5) provides
5 28 that if a person personally served with a summons fails without
5 29 reasonable cause to appear or to bring the child, the person
5 30 may be held in contempt of court or the court may issue an order
5 31 for the arrest of the person or take the child into custody.

5 32 The amendment to Code section 232.37 affects a notice for
5 33 waiver hearings in Code section 232.45(3), a notice and summons
5 34 issued for hearings to change dispositional orders in Code
5 35 section 232.54(2), and a notice and summons issued for child in



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6 1 need of assistance proceedings in Code section 232.88.
6 2 Code section 232.71C is amended to strike a provision
6 3 requiring the county attorney to assist the department of human
6 4 services in a child in need of assistance proceeding.
6 5 Code section 232.87 is amended by adding a provision
6 6 providing that the department of human services or a juvenile
6 7 court officer may consult with the county attorney to determine
6 8 whether a child in need of assistance petition should be filed.
6 9 Under the bill, if the county attorney declines to file such a
6 10 petition, the department of human services or juvenile court
6 11 officer may file the petition, and request the attorney general
6 12 represent the state in place of the county attorney.
6 13 Code section 232.88 is amended to add the department of human
6 14 services to the list of parties required to be provided notice
6 15 of a child in need of assistance proceeding.
6 16 Code section 232.90 is amended to require the county
6 17 attorney to represent the state in a child in need of
6 18 assistance proceeding and strikes a provision requiring the
6 19 county attorney to represent the department of human services
6 20 in such a proceeding. The amendment to Code section 232.90
6 21 defines "state" to mean the general interest held by the people
6 22 in the health, safety, welfare, and protection of all children
6 23 living in the state. Code section 232.90 is amended to strike
6 24 a provision allowing the attorney general to represent the
6 25 department of human services if a dispute arises between the
6 26 county attorney and the department of human services in a child
6 27 in need of assistance proceeding.
6 28 Code section 232.90 is also amended to provide that at
6 29 a dispositional hearing of a child in need of assistance
6 30 proceeding or any subsequent modification, the county attorney
6 31 shall present evidence to the court regarding the availability,
6 32 fiscal impact, or fiscal limitations of any placement being
6 33 considered for the child, if such evidence is provided by the
6 34 department of human services or the county attorney. Code
6 35 section 232.90 is also amended to require the county attorney



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7 1 to consult with the department to ensure compliance with all
7 2 applicable state and federal laws regarding the case permanency
7 3 plan for a child adjudicated a child in need of assistance.
7 4 Code section 232.104 is amended to permit the department of
7 5 human services to seek assistance of the county attorney in
7 6 setting a timely permanency hearing for a child adjudicated a
7 7 child in need of assistance.
7 8 Code section 232.111 is amended to require a petition
7 9 for termination of parental rights to contain the name and
7 10 residence of the "legal custodian" of the child. Current law
7 11 requires the petition for termination of parental rights to
7 12 contain the name and residence of the "custodian" of the child.
7 13 Code section 232.111 is also amended by adding a provision
7 14 providing that the department of human services or a juvenile
7 15 court officer may consult with the county attorney to determine
7 16 whether a termination of parental rights petition should be
7 17 filed. Under the bill, if the county attorney declines to file
7 18 such a petition, the department of human services or juvenile
7 19 court officer may file the petition and request the attorney
7 20 general represent the state in place of the county attorney.
7 21 Code section 232.112 is amended to strike a provision
7 22 requiring the participation of the department of human services
7 23 in a termination of parental rights proceeding.
7 24 Code section 232.114 is amended to require a county attorney
7 25 to represent the state in a termination of parental rights
7 26 proceeding and strikes a provision requiring a county attorney
7 27 to represent the department of human services in such a
7 28 proceeding. The amendment to Code section 232.114 defines
7 29 "state" to mean the general interest held by the people in the
7 30 health, safety, welfare, and protection of all children living
7 31 in the state. The amendment to Code section 232.114 also
7 32 strikes a provision allowing the attorney general to represent
7 33 the department of human services if a dispute arises between
7 34 the county attorney and the department of human services in a
7 35 termination of parental rights proceeding.



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8 1 Code section 232.180 is amended to require the county
8 2 attorney to represent the state in a voluntary foster care
8 3 placement proceeding and strikes a provision requiring the
8 4 county attorney to represent the department of human services.
8 5 The amendment to Code section 232.180 defines "state" to mean
8 6 the general interest held by the people in the health, safety,
8 7 welfare, and protection of all children living in the state.

LSB 1599HV (2) 84

jm/sc



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HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 151)

A BILL FOR

1 An Act relating to the probate and trust codes and state
2 inheritance tax and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1053HV (2) 84
rh/rj



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1 1 Section 1. Section 422.7, subsection 4, Code 2011, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 450.4, subsections 7 and 8, Code 2011, are
1 4 amended by striking the subsections.
1 5 Sec. 3. Section 633.237, subsections 1, 2, and 4, Code 2011,
1 6 are amended to read as follows:
1 7 1. Following the appointment of a personal representative
1 8 of the estate of the decedent, ~~who is not the spouse~~, the
1 9 personal representative shall cause to be served a written
1 10 notice upon the surviving spouse pursuant to section 633.40,
1 11 subsection 5, notifying the surviving spouse that unless,
1 12 within four months after service of the notice, the spouse
1 13 files an election in writing with the clerk of court electing
1 14 the share as set forth in section 633.236 and sections 633.238
1 15 through 633.246, the spouse shall be deemed to take under
1 16 the will or to receive the intestate share. If, within the
1 17 four=month period following service of the notice, an affidavit
1 18 is filed setting forth that the surviving spouse is incapable
1 19 of making the election and does not have a conservator, the
1 20 personal representative shall make application to the court for
1 21 an order pursuant to section 633.244.
1 22 2. Following the death of a settlor of a revocable trust,
1 23 the trustee of such revocable trust ~~who is not the spouse~~
1 24 shall cause to be served a written notice upon the surviving
1 25 spouse pursuant to section 633.40, subsection 5, notifying
1 26 the surviving spouse that unless, within four months after
1 27 service of the notice, the spouse files an election with the
1 28 trustee electing the share as set forth in section 633.236 and
1 29 sections 633.238 through 633.246, the spouse shall be deemed
1 30 to take under the terms of the revocable trust. If, within the
1 31 four=month period following service of the notice, an affidavit
1 32 is filed setting forth that the surviving spouse is incapable
1 33 of making the election and does not have a conservator, the
1 34 trustee shall make application to the court for an order
1 35 pursuant to section 633.244.



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2 1 4. The notice provisions under subsections 1 and 2 are not
2 2 applicable if the surviving spouse ~~is a personal representative~~
~~2 3 of the estate or a trustee of a revocable trust or if the~~
~~2 4 surviving spouse~~ or the spouse's conservator files, at any
2 5 time, an election to take under the will, receive the intestate
2 6 share, or take under the revocable trust. If the surviving
2 7 spouse fails to file an election under this section within four
2 8 months of the ~~decedent's death~~ date notice is served, it shall
2 9 be conclusively presumed that the surviving spouse elects to
2 10 take under the will, receive the intestate share, or take under
2 11 the revocable trust.

2 12 Sec. 4. Section 633.246, Code 2011, is amended to read as
2 13 follows:

2 14 633.246 Election not subject to change.

2 15 1. An election by or on behalf of a surviving spouse to
2 16 take the share provided in section 633.211, 633.212, 633.236,
2 17 633.238, 633.240, or 633.244 shall be binding and shall not be
2 18 subject to change except for such causes as would justify an
2 19 equitable decree for the rescission of a deed.

2 20 2. An affirmative election to take under the will, receive
2 21 the intestate share, or take under the revocable trust shall be
2 22 irrevocable when filed as provided in section 633.237.

2 23 Sec. 5. Section 633.374, Code 2011, is amended to read as
2 24 follows:

2 25 633.374 Allowance to surviving spouse.

2 26 1. ~~If the personal representative of the estate is not~~
~~2 27 the decedent's spouse, the~~ The personal representative of the
2 28 estate shall ~~cause written notice concerning support to be~~
~~2 29 mailed mail~~ to the surviving spouse pursuant to section 633.40,
2 30 subsection 5, a written notice regarding the right to request
2 31 a spousal allowance. The notice shall inform the surviving
2 32 spouse of the surviving spouse's right to ~~apply,~~ submit an
2 33 application to the court within four months of service of the
2 34 notice, for support for a period of twelve months following
2 35 the death of the decedent, and for support of the decedent's



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3 1 dependents who reside with the spouse for the same period of
3 2 time.
3 3 2. The court shall, upon application, set off and order
3 4 paid to the surviving spouse, as part of the costs of
3 5 administration, sufficient of the decedent's property including
3 6 assets held in a revocable trust of which the decedent is the
3 7 settlor to the extent that estate assets are not sufficient as
3 8 it deems reasonable for the proper support of the surviving
3 9 spouse for the period of twelve months following the death of
3 10 the decedent. If the application is not made by the personal
3 11 representative, notice Notice of hearing upon the application
3 12 shall be given to the surviving spouse, personal representative
3 13 if the application is not made by the personal representative,
3 14 trustee of any revocable trust of which the decedent is the
3 15 settlor, and all other interested persons. The court shall
3 16 take into consideration the station in life of the surviving
3 17 spouse, and the assets and condition of the estate and any
3 18 revocable trust of which the decedent is the settlor, the
3 19 nonprobate assets received by the surviving spouse by reason of
3 20 the death of the decedent, and the income and other resources
3 21 of the surviving spouse. If the trustee of a revocable
3 22 trust of which the decedent was a settlor has previously made
3 23 payments under section 633A.3114 to the spouse, the court shall
3 24 reduce the award by the amount of such payments. The allowance
3 25 shall also include such additional amount as the court deems
3 26 reasonable for the proper support, during such period, of
3 27 dependents of the decedent who reside with the surviving
3 28 spouse. Such allowance to the surviving spouse shall not abate
3 29 upon the death or remarriage of such spouse. If an application
3 30 for support has not been filed within four months following
3 31 service of the notice by or on behalf of the surviving
3 32 spouse and the dependents of the decedent who reside with the
3 33 surviving spouse, the surviving spouse and the dependents of
3 34 the decedent shall be deemed to have waived the right to apply
3 35 for support during the administration of the estate.



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4 1 3. A surviving spouse who qualifies for a support allowance
4 2 under this section may waive the right to such allowance for
4 3 the surviving spouse and for the dependents of the decedent
4 4 who reside with the surviving spouse by filing an affidavit
4 5 acknowledging receipt of notice and irrevocably waiving the
4 6 right to support under this section.

4 7 Sec. 6. Section 633.375, Code 2011, is amended to read as
4 8 follows:

4 9 633.375 Review of allowance to surviving spouse.

4 10 The court may, upon the petition of ~~the spouse, or other~~
4 11 ~~person interested~~ any interested person, and after hearing
4 12 pursuant to notice to all interested parties, review ~~such~~ the
4 13 allowance and increase or decrease the ~~same~~ amount and make
4 14 such other orders as it may deem proper.

4 15 Sec. 7. Section 633.376, Code 2011, is amended to read as
4 16 follows:

4 17 633.376 Allowance to children who do not reside with
4 18 surviving spouse.

4 19 1. The court may also make an allowance under the same terms
4 20 and conditions as provided in section 633.374 of an amount the
4 21 court deems reasonable in light of the assets and condition of
4 22 the estate, to provide for proper support during the period of
4 23 twelve months following the decedent's death to a child of the
4 24 decedent who does not reside with the surviving spouse and is
4 25 any of the following:

4 26 a. ~~less~~ Less than eighteen years of age.

4 27 b. ~~or who is between~~ Between the ages of eighteen and
4 28 twenty-two years who is any of the following:

4 29 (1) ~~regularly~~ Regularly attending an accredited school in
4 30 pursuance of a course of study leading to a high school diploma
4 31 or its equivalent.

4 32 (2) ~~or regularly~~ Regularly attending a course of
4 33 vocational=technical training either as a part of a regular
4 34 school program or under special arrangements adapted to the
4 35 individual person's needs.



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5 1 (3) ~~or is~~ Is, in good faith, a full-time student in a
5 2 college, university, or community college~~+~~.
5 3 (4) ~~or has~~ Has been accepted for admission to a college,
5 4 university, or community college and the next regular term has
5 5 not yet begun~~+~~.
5 6 c. ~~or~~ Is a child of any age who is dependent because of
5 7 physical or mental disability~~;~~ who does not reside with the
~~5 8 surviving spouse, of an amount it deems reasonable in the light~~
~~5 9 of the assets and condition of the estate, to provide for the~~
~~5 10 child's proper support during the period of twelve months.~~
5 11 2. The estate's personal representative shall ~~cause~~
~~5 12 written notice to be mailed~~ mail pursuant to section 633.40,
5 13 subsection 5, to the legal guardian of each child qualified
5 14 under subsection 1 and to each child or the guardian ad litem
5 15 for such child if necessary, who has no legal guardian, a
5 16 written notice regarding the right to request an allowance.
5 17 The notice shall inform the child and the child's guardian,
5 18 if applicable, of the right to ~~apply~~ submit an application to
5 19 the court, within four months after service of the notice, for
5 20 support for a period of twelve months following the decedent's
5 21 death. If an application for support has not been filed within
5 22 four months after service of the notice by or on behalf of the
5 23 child qualifying for support under subsection 1, the child
5 24 shall be deemed to have waived the right to support under this
5 25 section. A child who qualifies for support under this section
5 26 or the child's guardian ad litem may waive the child's right
5 27 to such support by filing an affidavit acknowledging receipt
5 28 of notice and irrevocably waiving the child's right to support
5 29 under this section.
5 30 Sec. 8. Section 633.377, Code 2011, is amended to read as
5 31 follows:
5 32 633.377 Review of allowance to minor children.
5 33 The court may, upon the petition of any interested person,
5 34 and after hearing pursuant to notice to all interested parties,
5 35 review the allowance made to the minor children who do not



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6 1 reside with the surviving spouse and may increase or decrease
6 2 the ~~same~~ amount and make such other orders as it may deem
6 3 proper.

6 4 Sec. 9. Section 633.471, Code 2011, is amended to read as
6 5 follows:

6 6 633.471 Right of retainer.

6 7 When a distributee of an estate is indebted to the estate,
6 8 or if a distributee takes as an heir of a deceased devisee
6 9 indebted to the estate, the amount of such indebtedness, if
6 10 due, or the present worth of the indebtedness, if not due,
6 11 shall be treated as a setoff and retained by the personal
6 12 representative out of any testate or intestate property,
6 13 real or personal, of the estate to which such distributee is
6 14 entitled. In intestate estates, the personal representative
6 15 shall have the same right of setoff and retainer against an
6 16 heir whose ancestor was indebted to the estate. The right of
6 17 setoff and retainer shall be prior and superior to the rights
6 18 of judgment creditors, heirs or assigns of such distributee ~~and~~
~~6 19 shall not be barred by the statute of limitations, nor by a~~
~~6 20 discharge in bankruptcy.~~

6 21 Sec. 10. Section 633.561, Code 2011, is amended by adding
6 22 the following new subsection:

6 23 NEW SUBSECTION. 7. If the court determines upon application
6 24 that it is appropriate or necessary, the court may order that
6 25 the attorney appointed pursuant to this section be given copies
6 26 of and access to the proposed ward's health information by
6 27 describing with reasonable specificity the health information
6 28 to be disclosed or accessed, for the purpose of fulfilling the
6 29 attorney's responsibilities pursuant to this section.

6 30 Sec. 11. Section 633A.2203, Code 2011, is amended by adding
6 31 the following new subsection:

6 32 NEW SUBSECTION. 5. A spendthrift provision, or a provision
6 33 giving the trustee discretion to distribute income or principal
6 34 to a beneficiary or among beneficiaries, in the terms of the
6 35 trust is presumed to constitute a material purpose of the



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7 1 trust.
7 2 Sec. 12. Section 633A.3104, subsection 2, Code 2011, is
7 3 amended by striking the subsection and inserting in lieu
7 4 thereof the following:
7 5 2. Following the death of a settlor, if the settlor's estate
7 6 is inadequate to satisfy the debts of the settlor and the
7 7 charges of the settlor's estate, the property of a revocable
7 8 trust, to the extent of the value of the property over which
7 9 the settlor had a power of revocation, is subject to all of the
7 10 following:
7 11 a. The charges of the settlor's estate.
7 12 b. The debts of the settlor unless barred as provided in
7 13 section 633A.3109.
7 14 Sec. 13. Section 633A.3104, Code 2011, is amended by adding
7 15 the following new subsection:
7 16 NEW SUBSECTION. 2A. The personal representative of the
7 17 settlor's estate shall submit a statement to the trustee
7 18 within the period for filing claims against the trust of the
7 19 amount by which the assets of the estate are insufficient
7 20 to pay the debts and charges. Subject to the provisions of
7 21 section 633A.3111, the trustee shall remit to the personal
7 22 representative the amount needed to pay the charges and shall
7 23 pay the debts directly to the creditors unless the trustee and
7 24 personal representative agree to a different manner of payment.
7 25 Sec. 14. Section 633A.3108, Code 2011, is amended by
7 26 striking the section and inserting in lieu thereof the
7 27 following:
7 28 633A.3108 Limitation on contest of revocable trust.
7 29 Unless previously barred by adjudication, consent, or other
7 30 limitation, if notice is published or given as provided in
7 31 section 633A.3110 within one year of the settlor's death, a
7 32 proceeding to contest the validity of a revocable trust must be
7 33 brought within the period specified in that notice. If notice
7 34 is not published or given within that period, a proceeding to
7 35 contest the validity of a trust must be brought no later than



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8 1 one year following the death of the settlor.
8 2 Sec. 15. Section 633A.3109, Code 2011, is amended by
8 3 striking the section and inserting in lieu thereof the
8 4 following:
8 5 633A.3109 Limitation on creditor rights against revocable
8 6 trust assets after settlor's death.
8 7 1. If notice is published or given as provided in section
8 8 633A.3110 within one year of the settlor's death, any claim
8 9 against the trust assets will be forever barred unless the
8 10 creditor files a claim as provided for and within the period
8 11 specified in the notice.
8 12 2. If notice is not published or given, a creditor of
8 13 a deceased settlor of a revocable trust must bring suit to
8 14 enforce its claim against the assets of the decedent's trust
8 15 within one year of the decedent's death or be forever barred
8 16 from collecting against the trust assets. The one=year
8 17 limitation period shall not be extended by the commencement of
8 18 probate administration for the settlor.
8 19 3. The notice under sections 633.230 and 633.304 in probate
8 20 of the settlor's estate does not affect a creditor's claim
8 21 under this section.
8 22 Sec. 16. Section 633A.3110, Code 2011, is amended by
8 23 striking the section and inserting in lieu thereof the
8 24 following:
8 25 633A.3110 Notice to creditors, heirs, and spouse.
8 26 1. As used in this section, "heir" means only such person
8 27 who would, in an intestate estate, be entitled to a share under
8 28 section 633.219.
8 29 2. The trustee may give notice as described herein to
8 30 creditors, heirs, and the surviving spouse of the settlor for
8 31 the purpose of establishing their rights to contest the trust
8 32 and to file claims against the trust assets.
8 33 a. No later than the end of the one=year period beginning
8 34 with the settlor's date of death, the trustee may publish a
8 35 notice once each week for two consecutive weeks in a daily or



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9 1 weekly newspaper of general circulation published in the county
9 2 in which the settlor was a resident at the time of death. If
9 3 the settlor was not a resident of Iowa, but the principal place
9 4 of administration is in Iowa, the trustee shall publish notice
9 5 in the county that is the principal place of administration
9 6 pursuant to section 633A.6102.

9 7 b. If notice is published pursuant to paragraph "a", the
9 8 trustee shall also give notice by ordinary mail within one year
9 9 of the settlor's death to the surviving spouse and the heirs of
9 10 the decedent whose identities are reasonably ascertainable, at
9 11 such person's last known address.

9 12 c. If notice is published pursuant to paragraph "a", the
9 13 trustee shall also give notice to creditors of the settlor who
9 14 are known or reasonably ascertainable within the period for
9 15 filing claims specified in the published notice and who the
9 16 trustee believes own or possess a claim, which will not or may
9 17 not be paid or otherwise satisfied during the administration of
9 18 the trust, by ordinary mail to each person at the person's last
9 19 known address.

9 20 d. The notices described in this subsection shall, if given,
9 21 include notification of the settlor's death, and the fact that
9 22 any action to contest the validity of the trust must be brought
9 23 within the later to occur of four months from the date of the
9 24 second publication of the notice made pursuant to paragraph "a"
9 25 or thirty days from the date of mailing of the notice pursuant
9 26 to paragraph "b", and that any claim against the trust assets
9 27 will be forever barred unless proof of a creditor's claim
9 28 is mailed to the trustee by certified mail, return receipt
9 29 requested, within the later to occur of four months from the
9 30 second publication of notice pursuant to paragraph "a" or
9 31 thirty days from the date of mailing the notice pursuant to
9 32 paragraph "b", if required. A person who is not entitled to
9 33 receive a mailed notice or who does not make a claim within the
9 34 appropriate period is forever barred from asserting any claim
9 35 against the trust or the trust assets.



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10 1 3. If notice is published pursuant to paragraph "a", claims
10 2 of creditors that are discovered or which become reasonably
10 3 ascertainable after the end of the notice period are barred.
10 4 4. If notice is not published and given as provided in
10 5 this section, the right to challenge the trust and file claims
10 6 against the trust assets are limited as provided in sections
10 7 633A.3108 and 633A.3109.
10 8 5. The notice described in subsection 2 shall be
10 9 substantially in the following form:
10 10 To all persons regarding, deceased, who died on
10 11 or about, (year) You are hereby notified that
10 12 is the trustee of the Trust.
10 13 Any action to contest the validity of the trust must be
10 14 brought in the District Court of County, Iowa, within
10 15 the later to occur of four months from the date of second
10 16 publication of this notice, or thirty days from the date of
10 17 mailing this notice to all heirs of the decedent settlor
10 18 and the spouse of the decedent settlor whose identities are
10 19 reasonably ascertainable. Any suit not filed within this
10 20 period shall be forever barred.
10 21 Notice is further given that any person or entity possessing
10 22 a claim against the trust must mail proof of the claim to the
10 23 trustee at the address listed below via certified mail, return
10 24 receipt requested, by the later to occur of four months from
10 25 the second publication of this notice or thirty days from the
10 26 date of mailing this notice if required, or the claim shall be
10 27 forever barred, unless paid or otherwise satisfied.
10 28 Dated this day of, (year)....
10 29 Trust
10 30
10 31 Trustee
10 32 Address:
10 33
10 34 Date of second publication ... day of, (year)
10 35 6. The proof of claim must be in writing stating the party's



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11 1 name and address and describing the nature and amount of the
11 2 claim, if ascertainable, and accompanied by an affidavit of the
11 3 party or a representative of the party verifying the amount
11 4 that is due, or when the amount will become due, that no
11 5 payments have been made on the claim that are not credited, and
11 6 that no offsets to the claim exist.

11 7 7. At any time after receipt by the trustee of a proof of
11 8 claim, the trustee may give the party submitting the claim a
11 9 written notice of disallowance of the claim. The notice shall
11 10 be given by certified mail, return receipt requested, addressed
11 11 to the party at the address stated in the claim, and to the
11 12 attorney of record of the party submitting the claim. Such
11 13 notice of disallowance shall advise the party submitting the
11 14 claim that the claim has been disallowed and will be forever
11 15 barred unless suit is filed against the trustee to enforce
11 16 the claim within thirty days of the date of the mailing of
11 17 the notice of disallowance. If suit is filed, the provisions
11 18 in chapter 633 relating to actions to enforce a claim shall
11 19 apply with the trust and trustee substituted for the estate and
11 20 personal representative.

11 21 8. The trustee and creditor may agree to extend the
11 22 limitations period for filing an action to enforce the claim.
11 23 If the creditor fails to properly file its claim within the
11 24 established time period or bring an action to enforce its claim
11 25 within the established time period, the creditor's claim shall
11 26 be forever barred.

11 27 9. The trustee shall give notice to the beneficiaries of the
11 28 trust as required by section 633A.4213.

11 29 10. The trustee shall give notice to the spouse of the right
11 30 to elect to take an elective share of the trust as required
11 31 by section 633.237 and the right to a spousal allowance as
11 32 required by section 633A.3114.

11 33 11. The trustee shall give notice to eligible children
11 34 not residing with the surviving spouse of their right to an
11 35 allowance as required by section 633A.3115.



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House File 609 - Introduced continued

12 1 Sec. 17. Section 633A.3111, Code 2011, is amended by
12 2 striking the section and inserting in lieu thereof the
12 3 following:
12 4 633A.3111 Rights of trustee regarding claims in a probate
12 5 administration.
12 6 1. If administration of an estate is commenced in which a
12 7 revocable trust or a trust in which a holder had at the date
12 8 of the holder's death a presently exercisable general power
12 9 of appointment could be held responsible for the payment of
12 10 debts of the settlor or holder and the charges of the settlor's
12 11 or holder's estate, the trustee of the trust shall be an
12 12 interested party in the administration of the estate.
12 13 2. The trustee shall receive notice of all potential claims
12 14 against the trust assets from the personal representative of
12 15 the estate and must either authorize the payments for which
12 16 the trust may be found liable or be given the opportunity to
12 17 dispute or defend any such payment.
12 18 3. If debts of the settlor are paid from trust property,
12 19 the trustee or trust beneficiaries shall have a right to be
12 20 reimbursed from the settlor's estate for such payment until the
12 21 final report of the settlor's estate has been approved, unless
12 22 the debts have been barred from being collected from the estate
12 23 by notice pursuant to section 633.230 or 633.304.
12 24 Sec. 18. Section 633A.3112, Code 2011, is amended by
12 25 striking the section and inserting in lieu thereof the
12 26 following:
12 27 633A.3112 Trustee's liability for distributions.
12 28 1. A trustee who distributes trust assets without making
12 29 adequate provisions for the payment of debts and charges that
12 30 are known or reasonably ascertainable at the time of the
12 31 distribution shall be jointly and severally liable with the
12 32 beneficiaries to the extent of the distributions made.
12 33 2. A trustee shall be entitled to indemnification from the
12 34 beneficiaries for all amounts paid for debts and charges under
12 35 this section, to the extent of distributions made.



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13 1 Sec. 19. NEW SECTION. 633A.3113 Definitions ==== revocable
13 2 trusts.
13 3 As used in this subchapter:
13 4 1. "Charges" means the same as defined in section 633.3.
13 5 2. "Costs of administration" means the same as defined in
13 6 section 633.3.
13 7 3. "Debts" means the same as defined in section 633.3.
13 8 Sec. 20. NEW SECTION. 633A.3114 Allowance to surviving
13 9 spouse.
13 10 1. Unless a personal representative has been appointed
13 11 for the settlor's estate, following the death of a settlor of
13 12 a revocable trust, the trustee of such revocable trust shall
13 13 mail a written notice to the surviving spouse pursuant to
13 14 section 633.40, subsection 5, notifying the surviving spouse
13 15 of the surviving spouse's right to submit an application to
13 16 the trustee, within four months of service of the notice, for
13 17 a support allowance for a period of twelve months following
13 18 the death of the settlor, and for a support allowance for the
13 19 settlor's dependents who reside with the spouse for the same
13 20 period of time.
13 21 2. Upon receipt of an application for a support allowance,
13 22 the trustee may set off and pay to the surviving spouse a
13 23 sufficient amount of trust assets the trustee deems reasonable
13 24 for the proper support of the surviving spouse for the period
13 25 of twelve months following the death of the settlor. The
13 26 trustee shall take into consideration the station of life
13 27 of the settlor's surviving spouse, the assets and condition
13 28 of the trust, the probate and nonprobate assets received by
13 29 the surviving spouse by reason of the settlor's death, and
13 30 the income and other resources of the surviving spouse. The
13 31 allowance may also include such additional amount as the
13 32 trustee deems reasonable for the proper support, during such
13 33 period, of the dependents of the settlor who reside with the
13 34 surviving spouse. If an application for a support allowance
13 35 has not been filed within four months following service of



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14 1 the notice by or on behalf of the surviving spouse and the
14 2 dependents of the settlor who reside with the surviving spouse,
14 3 the surviving spouse and dependents of the settlor shall
14 4 be deemed to have waived the right to apply for a support
14 5 allowance during the administration of the trust.

14 6 3. A surviving spouse who qualifies for a support allowance
14 7 under this section may waive the right to such allowance
14 8 for the surviving spouse and for the dependents of the
14 9 settlor who reside with the surviving spouse by submitting an
14 10 affidavit with the trustee acknowledging receipt of notice
14 11 and irrevocably waiving the right to an allowance under this
14 12 section.

14 13 4. The opening of an estate for the settlor shall terminate
14 14 the right of the surviving spouse to apply for a spousal
14 15 allowance from the trustee of the settlor's revocable trust or
14 16 to receive additional support payments from the trust unless
14 17 the personal representative consents to a continuation of the
14 18 support payments. If a spousal allowance has been paid from
14 19 trust assets, the trustee or trust beneficiaries shall have
14 20 a right subject to court approval to be reimbursed from the
14 21 settlor's estate for such payment until the final report of the
14 22 settlor's estate has been approved.

14 23 Sec. 21. NEW SECTION. 633A.3115 Allowance to children who
14 24 do not reside with surviving spouse.

14 25 1. If the trustee is required to give notice under section
14 26 633A.3114, the trustee shall also mail, pursuant to section
14 27 633.40, subsection 5, to the legal guardian of each child
14 28 qualified under subsection 2 and to each such child or the
14 29 guardian ad litem for such child if necessary, who has no legal
14 30 guardian, a written notice regarding the right to request an
14 31 allowance. The notice shall inform the child and the child's
14 32 guardian, if applicable, of the right to submit an application
14 33 to the trustee within four months after service of the notice,
14 34 for a support allowance for a period of twelve months following
14 35 the decedent's death.



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15 1 2. Upon receipt of an application for a support allowance,
15 2 the trustee may make an allowance of an amount the trustee
15 3 deems reasonable in light of the assets and condition of the
15 4 trust, to provide for proper support during the period of
15 5 twelve months following the decedent's death to a child of
15 6 the decedent who does not reside with the settlor's surviving
15 7 spouse and is any of the following:
15 8 a. Less than eighteen years of age.
15 9 b. Between the ages of eighteen and twenty-two years who is
15 10 any of the following:
15 11 (1) Regularly attending an accredited school in pursuance
15 12 of a course of study leading to a high school diploma or its
15 13 equivalent.
15 14 (2) Regularly attending a course of vocational=technical
15 15 training either as a part of a regular school program or under
15 16 special arrangements adapted to the individual person's needs.
15 17 (3) Is, in good faith, a full=time student in a college,
15 18 university, or community college.
15 19 (4) Has been accepted for admission to a college,
15 20 university, or community college and the next regular term has
15 21 not yet begun.
15 22 c. Is a child of any age and dependent because of physical
15 23 or mental disability.
15 24 3. If an application for a support allowance has not
15 25 been filed within four months after service of the notice
15 26 by or on behalf of the child qualifying for an allowance
15 27 under subsection 2, the child shall be deemed to have waived
15 28 the right to an allowance under this section. A child who
15 29 qualifies for an allowance under this section or the guardian
15 30 for the child, if any, may waive the child's right to such
15 31 an allowance by submitting an affidavit to the trustee
15 32 acknowledging receipt of notice and irrevocably waiving the
15 33 child's right to an allowance under this section.
15 34 4. The opening of an estate for the settlor shall
15 35 terminate the right of a child to apply for an allowance from



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16 1 the trustee of the settlor's revocable trust or to receive
16 2 additional support payments from the trust unless the personal
16 3 representative consents to a continuation of support payments.
16 4 If an allowance has been paid from trust assets, the trustee
16 5 or trust beneficiaries shall have a right to be reimbursed
16 6 subject to court approval from the settlor's estate for such
16 7 payment until the final report of the settlor's estate has been
16 8 approved.

16 9 Sec. 22. Section 633A.4213, subsection 5, Code 2011, is
16 10 amended by striking the subsection and inserting in lieu
16 11 thereof the following:

16 12 5. a. If the trustee has refused, after written request,
16 13 to provide an accounting or other required notice under this
16 14 section to a qualified beneficiary, the court may do any of the
16 15 following:

16 16 (1) Order the trustee to comply with the trustee's duties
16 17 under this section.

16 18 (2) Assess costs, including attorney fees, against the
16 19 trustee personally.

16 20 b. Except as provided in paragraph "a", the only consequence
16 21 to a trustee's failure to provide the required accounting or
16 22 notice is that the trustee shall not be able to rely upon the
16 23 statute of limitations under section 633A.4504.

16 24 Sec. 23. Section 633A.4504, Code 2011, is amended to read
16 25 as follows:

16 26 633A.4504 Limitation of action against trustee.

16 27 1. Unless previously barred by adjudication, consent,
16 28 or other limitation, a claim against a trustee for breach of
16 29 trust is barred as to a beneficiary who has received a final
~~16 30 account~~ an accounting pursuant to section 633A.4213 or other
16 31 report that adequately disclosing discloses the existence
16 32 of the claim, unless a proceeding to assert the claim is
16 33 commenced within one year after the ~~earlier of the receipt~~
16 34 of the accounting or report ~~of the termination of the trust~~
~~16 35 relationship between the trustee and beneficiary.~~ An account



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~~17 1~~ accounting or report adequately discloses the existence of
17 2 a claim if it provides sufficient information so that the
17 3 beneficiary knows of the claim or reasonably should have
17 4 inquired into its existence.
17 5 2. For the purpose of subsection 1, a beneficiary is
17 6 deemed to have received an ~~account~~ accounting or report in the
17 7 following instances:
17 8 a. In the case of an adult who is reasonably capable of
17 9 understanding the ~~account~~ accounting or report, if it is
17 10 received by the adult personally.
17 11 b. In the case of an adult who is not reasonably capable
17 12 of understanding the ~~account~~ accounting or report, if it is
17 13 received by the adult's legal representative, including a
17 14 guardian ad litem or other person appointed for this purpose.
17 15 c. In the case of a minor, if it is received by the minor's
17 16 guardian or conservator or, if the minor does not have a
17 17 guardian or conservator, if it is received by a parent of the
17 18 minor who does not have a conflict of interest.
17 19 3. Any claim for breach of trust against a trustee who has
17 20 presented a ~~final~~ an accounting or report to a beneficiary more
17 21 than one year prior to July 1, ~~2000~~ 2011, shall be time barred
17 22 unless some exception stated in this section applies which
17 23 tolls the statute. Any claim arising under this section within
17 24 one year of July 1, ~~2000~~ 2011, shall be time barred after one
17 25 year unless an exception applies to toll the statute.
17 26 4. For the purposes of this section, "report" means a
17 27 document including but not limited to a letter, delivered by or
17 28 on behalf of the trustee to a beneficiary of the trust.
17 29 Sec. 24. NEW SECTION. 633A.4606 Interest as general
17 30 partner.
17 31 1. Except as otherwise provided in subsection 3 or unless
17 32 personal liability is imposed in the contract, a trustee who
17 33 holds an interest as a general partner in a general or limited
17 34 partnership is not personally liable on a contract entered
17 35 into by the partnership after the trust's acquisition of



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18 1 the interest if the fiduciary capacity was disclosed in the
18 2 contract or in a statement previously filed pursuant to section
18 3 486A.303 or 488.201.

18 4 2. Except as otherwise provided in subsection 3, a
18 5 trustee who holds an interest as a general partner is not
18 6 personally liable for torts committed by the partnership or for
18 7 obligations arising from ownership or control of the interest
18 8 unless the trustee is personally at fault.

18 9 3. The immunity provided by this section does not apply
18 10 if an interest in the partnership is held by the trustee in a
18 11 capacity other than that of trustee or is held by the trustee's
18 12 spouse or one or more of the trustee's descendants, siblings,
18 13 or parents, or the spouse of any of the trustee's descendants,
18 14 siblings, or parents.

18 15 4. If the trustee of a revocable trust holds an interest as
18 16 a general partner, the settlor shall be personally liable for
18 17 contracts and other obligations of the partnership as if the
18 18 settlor were a general partner.

18 19 Sec. 25. APPLICABILITY.

18 20 1. The sections of this Act amending sections 422.7, 450.4,
18 21 633.237, 633.246, 633.374, 633.375, 633.376, 633.377 and
18 22 633.471 apply to estates of decedents dying on or after July
18 23 1, 2011.

18 24 2. The section of this Act amending section 633.561 applies
18 25 to all judicial proceedings on or after July 1, 2011, in which
18 26 an order for the appointment of a guardian is sought or has
18 27 been issued.

18 28 3. The sections of this Act amending or enacting sections
18 29 633A.3104, 633A.3108, 633A.3109, 633A.3110, 633A.3112,
18 30 633A.3113, 633A.3114, and 633A.3115 apply to trusts of settlors
18 31 dying on or after July 1, 2011.

18 32 4. The sections of this Act amending or enacting sections
18 33 633A.2203 and 633A.4606 apply to trusts in existence on or
18 34 after July 1, 2011.

18 35 EXPLANATION



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19 1 This bill relates to the probate and trust codes and state
19 2 inheritance tax and medical assistance claims and includes
19 3 applicability provisions.
19 4 TAXATION OF RETIREMENT PLAN BENEFITS ==== STATE INHERITANCE
19 5 TAX EXEMPTION. The bill repeals provisions in Code sections
19 6 422.7 and 450.4 to make conforming changes relating to the
19 7 exclusion of retirement plan benefits from state inheritance
19 8 taxes when paid to a beneficiary, consistent with changes to
19 9 the state inheritance tax statute (Code section 450.4(5)) in
19 10 H.F. 2483 (2010) (decendent's interest in an employer=sponsored
19 11 retirement plan or on a decedent's individual retirement
19 12 account that will be subject to federal income tax when paid to
19 13 the beneficiary not subject to state inheritance tax). This
19 14 provision applies to estates of decedents dying on or after
19 15 July 1, 2011.
19 16 SPOUSAL ELECTIVE SHARE NOTICES. The bill amends current law
19 17 relating to notice and time requirements concerning a surviving
19 18 spouse's right to take an elective share of a decedent's
19 19 estate. The bill also provides that an affirmative election to
19 20 take under the will, receive the intestate share, or take under
19 21 the revocable trust is an irrevocable action. These provisions
19 22 apply to estates of decedents dying on or after July 1, 2011.
19 23 SUPPORT ALLOWANCES FROM DECEDENTS' ESTATES. The bill
19 24 requires that spousal elective share and support allowance
19 25 notices be mailed to a decedent's spouse even if the spouse
19 26 is a personal representative, specifies that the surviving
19 27 spouse may submit an application to the court to exercise the
19 28 surviving spouse's rights, permits the use of a decedent's (if
19 29 a settlor) revocable trust assets to pay support allowances
19 30 if the settlor's estate assets are insufficient, requires the
19 31 court to consider the settlor's revocable trust assets and
19 32 other income and assets available to the spouse in determining
19 33 spousal allowance amounts, allows surviving spouses and any
19 34 dependent of the settlor to irrevocably waive the right to
19 35 support allowances, and allows the court to reduce a support



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20 1 allowance if the surviving spouse has received support
20 2 allowance payments from the decedent's revocable trust. These
20 3 provisions apply to estates of decedents dying on or after July
20 4 1, 2011.

20 5 ESTATE SUPPORT ALLOWANCES ==== DECEDENT'S SURVIVING SPOUSE
20 6 AND MINOR CHILDREN. The bill provides consistent hearing
20 7 notice requirements and court authority to increase or decrease
20 8 support allowances previously awarded by the court for both a
20 9 decedent's surviving spouse and a decedent's minor children.
20 10 These provisions apply to estates of decedents dying on or
20 11 after July 1, 2011.

20 12 PERSONAL REPRESENTATIVE ==== RIGHT OF RETAINER. Current law
20 13 provides that when a distributee of an estate is indebted to
20 14 the estate, the personal representative is authorized to treat
20 15 the amount of the debt as a setoff and to retain the debt out
20 16 of any property of the estate to which the distributee is
20 17 entitled. In intestate estates, the personal representative
20 18 shall have the same right of setoff and retainer against an
20 19 heir whose ancestor was indebted to the estate. The right
20 20 of setoff and retainer is prior and superior to the rights
20 21 of judgment creditors or heirs of the distributee and is not
20 22 barred by the statute of limitations or by a discharge in
20 23 bankruptcy. The bill amends this provision to provide that the
20 24 right of setoff and retainer is barred for debts extinguished
20 25 by a statute of limitations or by a discharge in bankruptcy.
20 26 This provision applies to estates of decedents dying on or
20 27 after July 1, 2011.

20 28 GUARDIANSHIP PROCEEDINGS ==== APPOINTED ATTORNEY ACCESS TO
20 29 HEALTH INFORMATION. The bill provides that if the court
20 30 determines it would be in a ward's best interest to have legal
20 31 representation with respect to guardianship proceedings, the
20 32 court may order that the attorney appointed be given copies
20 33 of and access to the proposed ward's health information by
20 34 describing with reasonable specificity the health information
20 35 to be disclosed or accessed, for the purpose of fulfilling the



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21 1 attorney's responsibilities. This provision applies to all
21 2 judicial proceedings in which an order for the appointment of a
21 3 guardian is sought or has been issued on or after July 1, 2011.
21 4 MODIFICATION OR TERMINATION OF IRREVOCABLE TRUSTS. The bill
21 5 provides that, in a proceeding by a beneficiary to terminate or
21 6 modify a trust, a spendthrift provision or a provision giving
21 7 the trustee discretion to distribute income or principal to a
21 8 beneficiary or among beneficiaries in the terms of a trust is
21 9 presumed to be a material purpose of the trust. This provision
21 10 applies to trusts in existence on or after July 1, 2011.
21 11 REVOCABLE TRUSTS ==== CLAIMS ==== LIMITATIONS ==== NOTICE. The
21 12 bill provides that, following the death of a settlor, if the
21 13 settlor's estate is inadequate to satisfy the debts and charges
21 14 of the settlor's estate, the property of a revocable trust, to
21 15 the extent of the value of the property over which the settlor
21 16 had a power of revocation, is subject to the charges and debts
21 17 of the settlor's estate unless otherwise barred.
21 18 The bill provides that, unless previously barred, if notice
21 19 is published or given within one year of the settlor's death, a
21 20 proceeding to contest the validity of a revocable trust must be
21 21 brought within the period specified in that notice. If notice
21 22 is not published or given within that period, then a proceeding
21 23 to contest the validity of a trust must be brought no later
21 24 than one year following the death of the settlor.
21 25 The bill provides that, in regards to limitations on
21 26 creditor rights against revocable trust assets after a
21 27 settlor's death, if notice is published or given within one
21 28 year of the settlor's death, any claim against the trust assets
21 29 is barred unless the creditor files a claim as provided for
21 30 and within the period specified in the notice. If notice is
21 31 not published or given, a creditor of a deceased settlor of a
21 32 revocable trust must bring suit to enforce its claim against
21 33 the assets of the decedent's trust within one year of the
21 34 decedent's death or be forever barred from collecting against
21 35 the trust assets.



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22 1 The bill provides that the trustee shall receive notice of
22 2 all potential claims against the trust assets from the personal
22 3 representative of the estate. In addition, if the settlor's
22 4 debts are paid from trust property, the trustee or trust
22 5 beneficiaries have a right to be reimbursed from the settlor's
22 6 estate until the final report of that estate has been approved,
22 7 unless the debts have been barred from collection by the estate
22 8 under notice provisions pursuant to Code section 633.230 or
22 9 633.304.

22 10 The bill makes the terms "charges", "costs of
22 11 administration", and "debts" consistent between the probate
22 12 code and the trust code.

22 13 The bill creates new Code section 633A.3110 (relating to
22 14 notice to creditors, heirs, and the surviving spouse of the
22 15 settlor) which incorporate many of the provisions of existing
22 16 Code section 633A.3109 (relating to notice to creditors,
22 17 claimants, heirs, spouse, and beneficiaries), repealed and
22 18 replaced in the bill. This new Code section provides that
22 19 trustees shall not publish notice more than a year after the
22 20 settlor's death because of the automatic one-year statute
22 21 of limitations on filing claims and challenging the trust,
22 22 that notice by ordinary mail must be given only when notice
22 23 is published, that notice must be given by the trustee to
22 24 the beneficiaries of the trust, to the appropriate surviving
22 25 spouses, and to eligible children not residing with the
22 26 surviving spouse, that if notice is published, claims can be
22 27 filed only by claimants who are reasonably ascertainable within
22 28 the notice period, extends the notice period from 60 days to
22 29 four months, and provides that notice need not be published in
22 30 a county solely because real estate is located in that county.

22 31 These provisions apply to trusts of settlors dying on or
22 32 after July 1, 2011.

22 33 SUPPORT ALLOWANCE FROM REVOCABLE TRUSTS ==== SURVIVING SPOUSE
22 34 AND MINOR CHILDREN. The bill creates new Code provisions in
22 35 the trust Code to allow a settlor's surviving spouse and minor



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23 1 children to receive support allowances from the settlor's
23 2 revocable trust as they would be entitled from the settlor's
23 3 estate under probate Code sections 633.374 and 633.376. The
23 4 bill also coordinates support allowance benefits from the
23 5 settlor's revocable trust and probate estate.

23 6 These provisions apply to trusts of settlors dying on or
23 7 after July 1, 2011.

23 8 TRUSTEE'S ACCOUNTING. The bill allows the court to require
23 9 a trustee to furnish required reports and notices to qualified
23 10 beneficiaries of irrevocable trusts and allows the court to
23 11 assess costs, including attorney fees, against trustees who
23 12 fail to provide the required reports and notices. The bill
23 13 also specifies potential consequences for trustees who fail to
23 14 provide the required reports and notices.

23 15 LIMITATION ON ACTIONS AGAINST TRUSTEES. Current law bars
23 16 lawsuits against a trustee for breach of trust unless such
23 17 lawsuits are filed within one year after the beneficiary's
23 18 receipt of the final accounting or report of the trustee.
23 19 The bill applies the statute of limitations to one year from
23 20 July 1, 2011, for all reports and accountings provided by the
23 21 trustee unless an exception applies. The bill also makes the
23 22 terms used to describe such reports and accountings consistent
23 23 with the terms used in Code section 633A.4213.

23 24 TRUSTEE LIABILITY FOR PARTNERSHIP INTERESTS. The bill
23 25 provides that a trustee who holds an interest as a general
23 26 partner in a general or limited partnership is not personally
23 27 liable on a contract entered into by the partnership after the
23 28 trust's acquisition of the interest if the fiduciary capacity
23 29 was previously disclosed. In addition, a trustee who holds
23 30 an interest as a general partner is not personally liable
23 31 for torts committed by the partnership or for obligations
23 32 arising from ownership or control of the interest unless the
23 33 trustee is personally at fault. This immunity does not apply
23 34 if an interest in the partnership is held by the trustee in a
23 35 capacity other than that of trustee or is held by the trustee's



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24 1 spouse or one or more of the trustee's descendants, siblings,
24 2 or parents, or the spouse of any of them. If the trustee of
24 3 a revocable trust holds an interest as a general partner, the
24 4 settlor shall be personally liable for contracts and other
24 5 obligations of the partnership as if the settlor were a general
24 6 partner. This provision applies to trusts in existence on or
24 7 after July 1, 2011.

LSB 1053HV (2) 84

rh/rj



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House File 610 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HF 170)

A BILL FOR

1 An Act establishing a one=week waiting period prior to the
2 receipt of unemployment compensation benefits and including
3 effective date and applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1409HV (1) 84

je/rj



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PAG LIN

1 1 Section 1. Section 96.4, Code 2011, is amended by adding the
1 2 following new subsection:

1 3 NEW SUBSECTION. 8. a. The individual has satisfied a
1 4 one=week waiting period during the individual's benefit year.
1 5 To satisfy the waiting period, the individual, with respect to
1 6 the week in question:

1 7 (1) Must be unemployed.

1 8 (2) Must have filed a claim for benefits in accordance with
1 9 the provisions of section 96.6, subsection 1.

1 10 (3) Must be eligible for benefits from this state. However,
1 11 during the one=week waiting period, the individual must not
1 12 have received benefits from this state or any other state, and
1 13 must not be eligible for benefits from any other state.

1 14 b. If the individual has satisfied the one=week waiting
1 15 period and the department finds the individual is eligible
1 16 for benefits for the week subsequent to the one=week waiting
1 17 period, the individual shall then be paid benefits for the
1 18 one=week waiting period provided the individual meets all other
1 19 eligibility requirements of this section.

1 20 Sec. 2. EFFECTIVE DATE. This Act takes effect July 3, 2011.

1 21 Sec. 3. APPLICABILITY. This Act applies to unemployment
1 22 compensation benefit claims with an effective date on or after
1 23 July 3, 2011.

1 24 EXPLANATION

1 25 This bill requires an individual to satisfy a one=week
1 26 waiting period during the individual's benefit year in order
1 27 to receive unemployment compensation benefits. The bill
1 28 requires that, regarding the week in question, the individual
1 29 must be unemployed, must have filed a claim for benefits in
1 30 accordance with Code section 96.6(1), and must be eligible
1 31 for benefits in the state of Iowa. The bill requires that
1 32 the individual, regarding the week in question, must not have
1 33 received unemployment compensation benefits from the state of
1 34 Iowa or any other state, and must not have been eligible to
1 35 receive benefits from any other state. The bill also provides



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2 1 that the individual will be eligible to receive benefits for
2 2 the one=week waiting period, provided that the department of
2 3 workforce development finds, for the week immediately following
2 4 the one=week waiting period, that the individual satisfied all
2 5 other requirements of Code section 96.4.
2 6 The bill is effective July 3, 2011, and applies to
2 7 unemployment compensation benefit claims effective on or after
2 8 July 3, 2011.
LSB 1409HV (1) 84
je/rj



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House File 611 - Introduced

HOUSE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 210)

A BILL FOR

1 An Act providing for allocation of E911 wireless surcharge
2 revenue to counties for specified purposes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2262HV (1) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 611 - Introduced continued

PAG LIN

1 1 Section 1. Section 34A.7A, subsection 2, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. 0g. The program manager shall allocate fifty
1 4 percent of the total amount of surcharge generated per calendar
1 5 quarter, or the maximum amount remaining after the allocations
1 6 under paragraphs "a" through "f" if less, to each joint E911
1 7 service board on a prorated basis based upon the proportion
1 8 of E911 surcharge revenue collected from each county, to be
1 9 utilized for public safety, communications, and emergency
1 10 management projects specified by the respective service boards.
1 11 The allocation pursuant to this paragraph shall continue for
1 12 a twenty-year period beginning in the fiscal year commencing
1 13 July 1, 2011, and ending June 30, 2031. The maximum amount
1 14 allocated to a county pursuant to this paragraph shall be a
1 15 total of eight million dollars, and any excess which would
1 16 otherwise be allocated to that county shall be allocated to
1 17 each other county within the state which has not reached the
1 18 eight million dollar maximum allocation on a prorated basis.
1 19 Sec. 2. Section 34A.7A, subsection 2, paragraph g, Code
1 20 2011, is amended to read as follows:
1 21 g. If moneys remain in the fund after fully paying all
1 22 obligations under paragraphs "a" through ~~"f"~~ "0g", the remainder
1 23 may be accumulated in the fund as a carryover operating
1 24 surplus. This surplus shall be used to fund future phase
1 25 2 network and public safety answering point improvements
1 26 and wireless carriers' transport costs related to wireless
1 27 E911 services, if those costs are not otherwise recovered by
1 28 wireless carriers through customer billing or other sources and
1 29 approved by the program manager. Notwithstanding section 8.33,
1 30 any moneys remaining in the fund at the end of each fiscal year
1 31 shall not revert to the general fund of the state but shall
1 32 remain available for the purposes of the fund.

1 33 EXPLANATION

1 34 This bill allocates 50 percent of E911 wireless surcharge
1 35 revenue, or the maximum amount remaining after other



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House File 611 - Introduced continued

2 1 allocations contained in Code section 34A.7A, subsection 2,
2 2 are made, if less, to each county joint E911 service board
2 3 for public safety, communications, and emergency management
2 4 projects specified by the service board. The allocation
2 5 shall continue for a 20-year period, and be distributed on a
2 6 prorated basis based upon the proportion of E911 surcharge
2 7 revenue collected from each county. The bill specifies that
2 8 the maximum amount to be allocated to any one county pursuant
2 9 to the surcharge shall not exceed \$8 million.

LSB 2262HV (1) 84

rn/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 612 - Introduced

HOUSE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 105)

A BILL FOR

1 An Act relating to the disposition of revenue from the use of
2 automated traffic enforcement systems by cities or counties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1118HV (2) 84
dea/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 612 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.307, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 14. Penalties collected from the use of an
1 4 automated traffic enforcement system and remitted to the county
1 5 pursuant to section 602.8106, subsection 3, shall be deposited
1 6 in the secondary road fund of the county to be used for road
1 7 construction, maintenance, and repair.

1 8 Sec. 2. Section 364.3, subsection 2, Code 2011, is amended
1 9 to read as follows:

1 10 2. For a violation of an ordinance a city shall not
1 11 provide a penalty in excess of the maximum fine and term of
1 12 imprisonment for a simple misdemeanor under section 903.1,
1 13 subsection 1, paragraph "a". Am Except as otherwise provided
1 14 in this subsection, an amount equal to ten percent of all
1 15 finest collected by cities shall be deposited in the account
1 16 established in section 602.8108. However, one

1 17 a. One hundred percent of all fines collected by a city
1 18 pursuant to section 321.236, subsection 1, shall be retained
1 19 by the city.

1 20 b. One hundred percent of the fines collected from the use
1 21 of an automated traffic enforcement system shall be deposited
1 22 in the city's automated traffic enforcement program account
1 23 established pursuant to section 384.3B.

1 24 c. The criminal penalty surcharge required by section 911.1
1 25 shall be added to a city fine and is not a part of the city's
1 26 penalty.

1 27 Sec. 3. NEW SECTION. 384.3B Automated traffic enforcement
1 28 program account.

1 29 1. A city that uses an automated traffic enforcement system
1 30 shall establish an automated traffic enforcement program
1 31 account within the city's general fund. Interest earned on
1 32 revenues deposited in the account pursuant to section 364.3,
1 33 subsection 2, shall remain in the account and be used for the
1 34 purposes specified in this section. Moneys in the account are
1 35 not subject to transfer to any other accounts in the city's



**Iowa General Assembly
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House File 612 - Introduced continued

2 1 general fund or to any other funds established by a city unless
2 2 such transfer is for a purpose specified in this section.

2 3 2. Moneys in the account shall be used first to pay the
2 4 costs of operating the city's automated traffic enforcement
2 5 program.

2 6 3. a. Except as provided in paragraph "b", moneys in the
2 7 account in excess of the amount necessary for the purpose
2 8 specified in subsection 2 shall be deposited in the city's
2 9 street construction fund to be used for road construction,
2 10 maintenance, and repair.

2 11 b. Moneys in the account in excess of the amount necessary
2 12 for the purpose specified in subsection 2 which are attributed
2 13 to fines for violations occurring on a portion of highway that
2 14 is maintained by a county shall be remitted to that county for
2 15 deposit in the county's secondary road fund.

2 16 Sec. 4. Section 602.8106, subsection 3, Code 2011, is
2 17 amended to read as follows:

2 18 3. a. The clerk of the district court shall remit all fines
2 19 and forfeited bail for violation of a county ordinance, except
2 20 an ordinance relating to vehicle speed or weight restrictions,
2 21 to the county treasurer of the county that was the plaintiff
2 22 in the action, and shall provide that county with a statement
2 23 showing the total number of cases, the total of all fines
2 24 and forfeited bail collected, and the total of all cases
2 25 dismissed. However, if a county ordinance provides a penalty
2 26 for a violation which is also penalized under state law, the
2 27 fines and forfeited bail collected for the violation shall be
2 28 submitted to the state court administrator.

2 29 b. Notwithstanding subparagraph (1), civil fines collected
2 30 pursuant to a county's automated traffic enforcement program
2 31 shall be remitted to the county treasurer of the county that
2 32 was a plaintiff in the action.

2 33 EXPLANATION

2 34 This bill addresses the use of revenue derived by local
2 35 governments from the use of automated traffic enforcement



**Iowa General Assembly
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House File 612 - Introduced continued

3 1 systems, otherwise known as "traffic cameras".
3 2 Under the bill, a city that has an automated traffic
3 3 enforcement program must establish a separate account in the
3 4 city's general fund for the deposit of fines collected from
3 5 the use of automated traffic enforcement systems. Moneys
3 6 in the account, including interest, shall be used first to
3 7 pay the costs of the city's automated traffic enforcement
3 8 program. The remaining moneys shall be deposited in the city's
3 9 street construction fund to be used for road construction,
3 10 maintenance, and repair, except that any moneys which are
3 11 attributed to fines for violations occurring on a portion of
3 12 highway that is maintained by a county shall be remitted to the
3 13 county for deposit in the county's secondary road fund.
3 14 The bill directs the clerk of the district court to remit
3 15 civil fines collected pursuant to a county's automated traffic
3 16 enforcement program to the county treasurer for deposit in
3 17 the secondary road fund of the county, to be used for road
3 18 construction, maintenance, and repair.

LSB 1118HV (2) 84

dea/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 613 - Introduced

HOUSE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 211)

A BILL FOR

1 An Act restricting the ability of cities and counties to
2 adopt or enforce certain ordinances relating to residential
3 property.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2707HV (1) 84

aw/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 613 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.302, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 17. A county shall not adopt or enforce
1 4 an ordinance that creates different classes of persons
1 5 within the ordinance to distinguish between persons living in
1 6 owner=occupied housing and persons living in rental properties
1 7 or that creates different classes of residential property based
1 8 on whether the property is owner=occupied or is leased to a
1 9 person who does not own the property.

1 10 Sec. 2. Section 364.3, Code 2011, is amended by adding the
1 11 following new subsection:

1 12 NEW SUBSECTION. 11. A city shall not adopt or enforce an
1 13 ordinance that creates different classes of persons within
1 14 the ordinance to distinguish between persons living in
1 15 owner=occupied housing and persons living in rental properties
1 16 or that creates different classes of residential property based
1 17 on whether the property is owner=occupied or is leased to a
1 18 person who does not own the property.

1 19 EXPLANATION

1 20 This bill restricts the ability of cities and counties to
1 21 adopt and enforce ordinances which distinguish between persons
1 22 living in owner=occupied housing and persons living in rental
1 23 properties or which distinguishes residential property based on
1 24 whether it is owner=occupied or leased.

LSB 2707HV (1) 84

aw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 614 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC
SAFETY

(SUCCESSOR TO HSB 152)

A BILL FOR

1 An Act relating to sexual misconduct with offenders and
2 juveniles, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1202HV (3) 84
jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 614 - Introduced continued

PAG LIN

1 1 Section 1. Section 709.16, Code 2011, is amended to read as
1 2 follows:

1 3 709.16 Sexual misconduct with offenders and juveniles.

1 4 1. An officer, employee, contractor, vendor, volunteer,

1 5 or agent of the department of corrections, or an officer,

1 6 employee, or agent of a judicial district department of

1 7 correctional services, who engages in a sex act with an

1 8 individual committed to the custody of the department of

1 9 corrections or a judicial district department of correctional

1 10 services commits ~~an aggravated misdemeanor~~ a class "D" felony.

1 11 2. An officer, employee, contractor, vendor, volunteer, or

1 12 agent of a juvenile placement facility who engages in a sex act

1 13 with a juvenile placed at such facility commits ~~an aggravated~~

~~1 14 misdemeanor~~ a class "D" felony.

1 15 For purposes of this subsection, a "juvenile placement

1 16 facility" means any of the following:

1 17 a. A child foster care facility licensed under section

1 18 237.4.

1 19 b. Institutions controlled by the department of human

1 20 services listed in section 218.1.

1 21 c. Juvenile detention and juvenile shelter care homes

1 22 approved under section 232.142.

1 23 d. Psychiatric medical institutions for children licensed

1 24 under chapter 135H.

1 25 e. Substance abuse facilities as defined in section 125.2.

1 26 3. An officer, employee, contractor, vendor, volunteer,

1 27 or agent of a county who engages in a sex act with a prisoner

1 28 incarcerated in a county jail commits ~~an aggravated misdemeanor~~

~~1 29~~ a class "D" felony.

1 30 EXPLANATION

1 31 This bill relates to sexual misconduct committed with

1 32 offenders and juveniles.

1 33 The bill increases the criminal penalty for an officer,

1 34 employee, contractor, vendor, volunteer, or agent of the

1 35 department of corrections who engages in a sex act with



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House File 614 - Introduced continued

2 1 an inmate committed to the custody of the department of
2 2 corrections from an aggravated misdemeanor to a class "D"
2 3 felony.

2 4 The bill increases the criminal penalty for an officer,
2 5 employee, or agent of a judicial district department of
2 6 correctional services who engages in a sex act with a person
2 7 in the custody of the judicial district from an aggravated
2 8 misdemeanor to a class "D" felony.

2 9 The bill increases the criminal penalty for an officer,
2 10 employee, contractor, vendor, volunteer, or agent of a juvenile
2 11 placement facility who engages in a sex act with a juvenile
2 12 placed at the facility from an aggravated misdemeanor to a
2 13 class "D" felony.

2 14 The bill also increases the criminal penalty for an officer,
2 15 employee, contractor, vendor, volunteer, or agent of a county
2 16 who engages in a sex act with a prisoner incarcerated in a
2 17 county jail from an aggravated misdemeanor to a class "D"
2 18 felony.

2 19 A "sex act" is defined in Code section 702.17.

2 20 A person convicted of sexual misconduct is required by
2 21 current law and the bill to register as a sex offender and is
2 22 subject to a special sentence pursuant to Code section 903B.2.

2 23 An aggravated misdemeanor is punishable by confinement for
2 24 no more than two years and a fine of at least \$625 but not more
2 25 than \$6,250. A class "D" felony is punishable by confinement
2 26 for no more than five years and a fine of at least \$750 but not
2 27 more than \$7,500.



Iowa General Assembly
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House File 615 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC
SAFETY

(SUCCESSOR TO HSB 153)

A BILL FOR

1 An Act relating to the criminal offense of possessing
2 electronic contraband or failing to report electronic
3 contraband at a jail, municipal holding facility, or
4 correctional facility, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1183HV (3) 84
jm/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 615 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 719.7A Electronic contraband ====
1 2 criminal penalties.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "Electronic contraband" means a mobile telephone or other
1 6 hand-held electronic communication device.
1 7 b. "Facility" means a county jail, municipal holding
1 8 facility, or institution under the management of the department
1 9 of corrections.
1 10 2. A person commits the offense of possessing electronic
1 11 contraband under this section if the person, not authorized by
1 12 law, does any of the following:
1 13 a. Knowingly supplies or attempts to supply electronic
1 14 contraband to any person confined in a facility, or to any
1 15 person confined in a facility while the person is being
1 16 transported or moved incidental to the confinement.
1 17 b. Knowingly makes, obtains, or possesses electronic
1 18 contraband while confined in a facility, or while being
1 19 transported or moved incidental to confinement.
1 20 3. A person who possesses electronic contraband commits a
1 21 class "D" felony.
1 22 4. a. A person commits the offense of failing to report
1 23 electronic contraband when the person fails to report a known
1 24 violation or attempted violation of this section to an official
1 25 or officer at a facility.
1 26 b. A person who violates this subsection commits an
1 27 aggravated misdemeanor.
1 28 5. The sheriff may x=ray a person committed to the jail,
1 29 the supervising law enforcement agency may x=ray a person
1 30 confined in the municipal holding facility, or the department
1 31 of corrections may x=ray a person under the control of the
1 32 department, if there is reason to believe that the person is in
1 33 possession of electronic contraband. A licensed physician or
1 34 x=ray technician under the supervision of a licensed physician
1 35 must x=ray the person.



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House File 615 - Introduced continued

2 1 6. Nothing in this section is intended to limit the
2 2 authority of the administrator of any facility to prescribe
2 3 or enforce rules concerning the definition of electronic
2 4 contraband, and the supplying, making, obtaining, or possession
2 5 of electronic contraband.

2 6 EXPLANATION

2 7 This bill relates to the criminal offense of possessing
2 8 electronic contraband in a jail, municipal holding facility, or
2 9 correctional institution.

2 10 The bill defines "electronic contraband" as a mobile
2 11 telephone or other hand-held electronic communication device.

2 12 Under the bill, a person commits the criminal offense of
2 13 possessing electronic contraband, if the person, not authorized
2 14 by law, supplies or attempts to supply, makes, obtains, or
2 15 possesses a mobile telephone or other hand-held electronic
2 16 communication device in, a jail, municipal holding facility, or
2 17 correctional institution. A person who violates this provision
2 18 commits a class "D" felony.

2 19 The bill provides that if a person fails to report a known
2 20 electronic contraband violation to an official or officer of a
2 21 jail, municipal holding facility, or correctional institution,
2 22 the person commits an aggravated misdemeanor.

2 23 A class "D" felony is punishable by up to five years of
2 24 confinement and a fine of at least \$750 but not more than
2 25 \$7,500. An aggravated misdemeanor is punishable by up to two
2 26 years in prison and a fine of at least \$625 but not to exceed
2 27 \$6,250.

LSB 1183HV (3) 84

jm/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 616 - Introduced

HOUSE FILE
BY COMMITTEE ON PUBLIC
SAFETY

(SUCCESSOR TO HSB 204)

A BILL FOR

1 An Act making changes to the membership of the Iowa drug policy
2 advisory council.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1193HV (1) 84

aw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 616 - Introduced continued

PAG LIN

1 1 Section 1. Section 80E.2, subsection 1, unnumbered
1 2 paragraph 1, Code 2011, is amended to read as follows:
1 3 An Iowa drug policy advisory council is established which
1 4 shall consist of the following ~~fifteen~~ seventeen members:
1 5 Sec. 2. Section 80E.2, subsection 1, Code 2011, is amended
1 6 by adding the following new paragraph:
1 7 NEW PARAGRAPH. Oh. The administrator of the alcoholic
1 8 beverages division in the department of commerce, or the
1 9 administrator's designee.
1 10 Sec. 3. Section 80E.2, subsection 1, paragraph m, Code 2011,
1 11 is amended to read as follows:
1 12 m. A member representing the Iowa peace officers association
1 13 ~~of chiefs of police and peace officers.~~
1 14 Sec. 4. Section 80E.2, subsection 1, Code 2011, is amended
1 15 by adding the following new paragraph:
1 16 NEW PARAGRAPH. p. A member representing the Iowa police
1 17 chiefs association.
1 18 Sec. 5. Section 80E.2, subsection 2, Code 2011, is amended
1 19 to read as follows:
1 20 2. The prosecuting attorney, licensed substance abuse
1 21 treatment specialist, certified substance abuse prevention
1 22 specialist, substance abuse treatment program director, member
1 23 representing the Iowa peace officers association ~~of chiefs~~
1 24 ~~of police and peace officers,~~ member representing the Iowa
1 25 state police association, ~~and the~~ member representing the Iowa
1 26 state sheriffs' and deputies' association, and the member
1 27 representing the Iowa police chiefs association shall be
1 28 appointed by the governor, subject to senate confirmation, for
1 29 four=year terms beginning and ending as provided in section
1 30 69.19. A vacancy on the council shall be filled for the
1 31 unexpired term in the same manner as the original appointment
1 32 was made.

1 33 EXPLANATION

1 34 This bill makes changes related to the membership of the
1 35 drug policy advisory council. Membership on the council



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House File 616 - Introduced continued

2 1 is comprised of state officials specified in statute and
2 2 representatives of law enforcement and substance abuse
2 3 professions. The representatives of law enforcement and
2 4 substance abuse professions are appointed to the council by the
2 5 governor, subject to confirmation by the senate.
2 6 The bill expands membership of the council from 15 to
2 7 17 members. The advisory council shall now include the
2 8 administrator of the alcoholic beverages division of the
2 9 department of commerce and one representative from the Iowa
2 10 police chiefs association. The bill also changes the name of
2 11 the Iowa association of chiefs of police and peace officers to
2 12 the Iowa peace officers association to reflect the name change
2 13 made by that association in 2010.
2 14 The bill makes conforming amendments related to the name
2 15 change and to the new membership position representing the Iowa
2 16 police chiefs association.

LSB 1193HV (1) 84

aw/sc



**Iowa General Assembly
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House File 617 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 187)

A BILL FOR

1 An Act relating to matters under the purview of the alcoholic
2 beverages division of the department of commerce, including
3 alcoholic beverage permits and licenses and administrative
4 provisions, modifying fees, and including effective date
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2700HV (1) 84
rn/nh



Iowa General Assembly
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House File 617 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.3, Code 2011, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 014A. "Grocery store" means any retail
1 4 establishment, the business of which consists of the sale of
1 5 food, food products, or beverages for consumption off the
1 6 premises.
1 7 NEW SUBSECTION. 022A. "Micro=distilled spirits" means
1 8 distilled spirits fermented, distilled, or, for a period of
1 9 two years, barrel matured on the licensed premises of the
1 10 micro=distillery where fermented, distilled, or matured.
1 11 "Micro=distilled spirits" also includes blended or mixed spirits
1 12 comprised solely of spirits fermented, distilled, or, for a
1 13 period of two years, barrel matured at a micro=distillery.
1 14 NEW SUBSECTION. 022B. "Micro=distillery" means a business
1 15 with an operational still which, combining all production
1 16 facilities of the business, produces and manufactures less than
1 17 fifty thousand proof gallons of distilled spirits on an annual
1 18 basis.
1 19 NEW SUBSECTION. 26A. "Pharmacy" means a drug store in
1 20 which drugs and medicines are exposed for sale and sold at
1 21 retail, or in which prescriptions of licensed physicians and
1 22 surgeons, dentists, or veterinarians are compounded and sold by
1 23 a registered pharmacist.
1 24 NEW SUBSECTION. 32A. "School" means a public or private
1 25 school or that portion of a public or private school which
1 26 provides facilities for teaching any grade from kindergarten
1 27 through grade twelve.
1 28 Sec. 2. Section 123.3, subsection 14A, Code 2011, is amended
1 29 to read as follows:
1 30 14A. "High alcoholic content beer" means beer which contains
1 31 more than five percent of alcohol by weight, but not more
1 32 than twelve percent of alcohol by weight, that is made by the
1 33 fermentation of an infusion in potable water of barley, malt,
1 34 and hops, with or without unmalted grains or decorticated and
1 35 degerminated grains. Not more than one and five=tenths percent



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2 1 of the volume of a "high alcoholic content beer" may consist
2 2 of alcohol derived from added flavors and other nonbeverage
2 3 ingredients containing alcohol. The added flavors and other
2 4 nonbeverage ingredients may not include added caffeine or other
2 5 added stimulants including but not limited to guarana, ginseng,
2 6 and taurine.

2 7 Sec. 3. Section 123.3, subsection 22A, Code 2011, is amended
2 8 to read as follows:
2 9 22A. "Native wine" means wine manufactured ~~in this state~~
~~2 10 pursuant to section 123.56 by a manufacturer of native wine.~~

2 11 Sec. 4. Section 123.9, Code 2011, is amended to read as
2 12 follows:
2 13 123.9 Commission meetings.
2 14 The commission shall meet on or before July 1 of each year
2 15 for the purpose of selecting one of its members as chairperson,
~~2 16 which member shall serve in such capacity~~ for the succeeding
2 17 year. The commission shall otherwise meet quarterly or at
2 18 the call of the chairperson or administrator or, when ~~any~~
2 19 three members file ~~with the chairperson~~ a written request
2 20 for a meeting. Written notice of the time and place of each
2 21 meeting shall be given to each member of the commission. ~~All~~
~~2 22 commission meetings shall be held within the state.~~ A majority
2 23 of the commission members shall constitute a quorum.

2 24 Sec. 5. Section 123.30, subsection 3, paragraph e,
2 25 subparagraph (1), Code 2011, is amended to read as follows:
2 26 (1) A class "E" liquor control license may be issued and
2 27 shall authorize the holder to purchase alcoholic liquor from
2 28 the division only and high alcoholic content beer from a class
2 29 "AA" beer permittee only and to sell the alcoholic liquor and
2 30 high alcoholic content beer to patrons for consumption off
2 31 the licensed premises and to other liquor control licensees.
~~2 32 A class "E" license shall not be issued to premises at which~~
~~2 33 gasoline is sold.~~ A holder of a class "E" liquor control
2 34 license may hold other retail liquor control licenses or
2 35 retail wine or beer permits, but the premises licensed under a



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House File 617 - Introduced continued

3 1 class "E" liquor control license shall be separate from other
3 2 licensed premises, though the separate premises may have a
3 3 common entrance. However, the holder of a class "E" liquor
3 4 control license may also hold a class "B" wine or class "C"
3 5 beer permit or both for the premises licensed under a class "E"
3 6 liquor control license.

3 7 Sec. 6. Section 123.31, unnumbered paragraph 1, Code 2011,
3 8 is amended to read as follows:

3 9 ~~Except as otherwise provided in section 123.35, verified~~
~~3 10 Verified applications for the original issuance or the renewal~~
3 11 of liquor control licenses shall be filed at the time and in
3 12 the number of copies as the administrator shall prescribe, on
3 13 forms prescribed by the administrator, and shall set forth
3 14 under oath the following information:

3 15 Sec. 7. Section 123.36, subsection 8, Code 2011, is amended
3 16 to read as follows:

3 17 8. a. Class "E" liquor control license, a sum determined
3 18 as follows:

3 19 (1) For licensed premises at which gasoline is not sold, a
3 20 sum of not less than seven hundred and fifty dollars, and not
3 21 more than seven thousand five hundred dollars as determined
3 22 on a sliding scale as established by the division taking into
3 23 account the factors of square footage of the licensed premises,
3 24 the location of the licensed premises, and the population of
3 25 the area of the location of the licensed premises.

3 26 (2) For licensed premises at which gasoline is sold, a sum
3 27 equal to the following:

3 28 (a) For premises located within the corporate limits of a
3 29 city with a population of less than one thousand five hundred,
3 30 three thousand five hundred dollars.

3 31 (b) For premises located within the corporate limits of a
3 32 city with a population of at least one thousand five hundred
3 33 but less than ten thousand, five thousand dollars.

3 34 (c) For premises located within the corporate limits of a
3 35 city with a population of ten thousand population or more, the



Iowa General Assembly
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4 1 greater of five thousand dollars or the amount that would be
4 2 established pursuant to subparagraph (1) if gasoline were not
4 3 sold at the premises.
4 4 (d) For premises located outside the corporate limits of
4 5 any city, a sum equal to that charged in the incorporated city
4 6 located nearest the premises to be licensed. If there is doubt
4 7 as to which of two or more differing corporate limits is the
4 8 nearest, the license fee which is the largest shall prevail.
4 9 However, if the premises is located in an unincorporated town,
4 10 for purposes of this subparagraph, the unincorporated town
4 11 shall be treated as if it is a city.
4 12 b. Notwithstanding subsection 5, the holder of a class
4 13 "E" liquor control license may sell alcoholic liquor for
4 14 consumption off the licensed premises on Sunday subject to
4 15 section 123.49, subsection 2, paragraph "b".
4 16 Sec. 8. Section 123.43A, subsection 1, Code 2011, is amended
4 17 by striking the subsection.
4 18 Sec. 9. Section 123.46, subsection 1, paragraph d, Code
4 19 2011, is amended by striking the paragraph.
4 20 Sec. 10. Section 123.129, subsection 1, Code 2011, is
4 21 amended by striking the subsection.
4 22 Sec. 11. Section 123.134, subsection 5, Code 2011, is
4 23 amended by striking the subsection.
4 24 Sec. 12. Section 123.141, Code 2011, is amended to read as
4 25 follows:
4 26 123.141 Keeping liquor where beer is sold.
4 27 No alcoholic liquor for beverage purposes shall be used,
4 28 or kept for any purpose in the place of business of class "B"
4 29 permittees, or on the premises of such class "B" permittees, at
4 30 any time. A violation of any provision of this section shall
4 31 be grounds for suspension or revocation of the permit pursuant
4 32 to section 123.50, subsection 3. This section shall not apply
4 33 in any manner or in any way, ~~to any railway car of any dining~~
~~4 34 car company, sleeping car company, railroad company or railway~~
~~4 35 company, having a special class "B" permit,~~ to the premises



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House File 617 - Introduced continued

5 1 of any hotel or motel for which a class "B" permit has been
5 2 issued, other than that part of such premises regularly used by
5 3 the hotel or motel for the principal purpose of selling beer
5 4 or food to the general public; or to drug stores regularly and
5 5 continuously employing a registered pharmacist, from having
5 6 alcohol in stock for medicinal and compounding purposes.

5 7 Sec. 13. Section 123.142, unnumbered paragraph 1, Code
5 8 2011, is amended to read as follows:

5 9 It is unlawful for the holder of a class "B" or class "C"
5 10 permit issued under this chapter to sell beer, except beer
5 11 brewed on the premises covered by a special class "A" permit or
5 12 beer purchased from a person holding a class "A" permit issued
5 13 in accordance with this chapter, and on which the tax provided
5 14 in section 123.136 has been paid. However, this section does
5 15 not apply to ~~the holders of special class "B" permits issued~~
~~5 16 under section 123.133 for sales in cars engaged in interstate~~
~~5 17 commerce nor to class "D" liquor control licensees as provided~~
5 18 in this chapter.

5 19 Sec. 14. REPEAL. Sections 123.35, 123.133, 123.153,
5 20 123.154, 123.155, 123.156, 123.157, 123.158, 123.159, 123.160,
5 21 123.161, and 123.162, Code 2011, are repealed.

5 22 Sec. 15. EFFECTIVE UPON ENACTMENT. The section of this
5 23 Act amending section 123.3, subsection 14A, regarding the
5 24 definition of high alcoholic content beer, being deemed of
5 25 immediate importance, takes effect upon enactment.

5 26 EXPLANATION

5 27 This bill makes several changes regarding matters under the
5 28 purview of the alcoholic beverages division of the department
5 29 of commerce.

5 30 The bill deletes definitions of grocery store,
5 31 micro=distillery, micro=distilled spirits, pharmacy, and school
5 32 contained in respective provisions within Code chapter 123, and
5 33 inserts the definitions into the general definitions section
5 34 for the chapter in Code section 123.3. The bill modifies the
5 35 definition of native wine contained within Code section 123.3



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6 1 to remove reference to wine manufactured "in this state",
6 2 instead providing that "native wine" means wine manufactured
6 3 pursuant to Code section 123.56 by a manufacturer of native
6 4 wine.

6 5 The bill modifies the definition of high alcoholic content
6 6 beer to specify that not more than 1.5 percent of the volume of
6 7 such beer may consist of alcohol derived from added flavors and
6 8 other nonbeverage ingredients containing alcohol, and that the
6 9 added flavors and ingredients may not include added caffeine
6 10 or other specified added stimulants. The bill makes this
6 11 modification effective upon enactment.

6 12 The bill amends provisions governing meetings of the
6 13 alcoholic beverages commission, providing that the commission
6 14 shall meet to elect a chairperson on or before July 1 annually,
6 15 rather than on July 1 under current law. The bill provides
6 16 that the commission shall otherwise meet quarterly, or at any
6 17 time called by the administrator of the division in addition
6 18 to the chairperson. The bill deletes a current provision
6 19 prohibiting commission meetings from being held outside of the
6 20 state.

6 21 The bill removes a current restriction prohibiting the
6 22 issuance of a class "E" liquor control license by the alcoholic
6 23 beverages division of the department of commerce to applicants
6 24 for premises at which gasoline is sold. A class "E" liquor
6 25 control license authorizes the holder to purchase alcoholic
6 26 liquor from the division and to sell the liquor to patrons
6 27 for consumption off the licensed premises and to other liquor
6 28 control licensees.

6 29 The bill modifies fees currently applicable to class "E"
6 30 liquor control licensees, depending upon whether gasoline is
6 31 sold on the licensed premises. The bill provides that if
6 32 gasoline is not sold on the premises, the current formula for
6 33 determining fees set forth in Code section 123.36 for class
6 34 "E" licensees will be applicable. That formula prescribes a
6 35 fee in an amount varying between \$750 and \$7,500 on a sliding



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7 1 scale basis, determined by the alcoholic beverages division,
7 2 taking into account the factors of square footage of the
7 3 licensed premises, the location of the licensed premises, and
7 4 the population of the area of the location of the licensed
7 5 premises. The bill provides that in the event that gasoline
7 6 is sold on the premises, a variable fee will be applied based
7 7 upon the population of the corporate limits within which the
7 8 premises is located. Specifically, if the premises is located
7 9 within the corporate limits of a city of less than 1,500
7 10 people, the fee is \$3,500; if within the corporate limits of
7 11 a city of at least 1,500 but less than 10,000 people, the fee
7 12 is \$5,000; and if within the corporate limits of a city of
7 13 10,000 people or more, the fee is the greater of \$5,000 or the
7 14 amount that would otherwise be applied if gasoline were not
7 15 sold at the premises. The bill further provides that if the
7 16 premises is located outside the corporate limits of a city,
7 17 the fee will be equal to that charged in the incorporated city
7 18 located nearest the premises, and in case there is doubt as to
7 19 which of two or more differing corporate limits is the nearest,
7 20 the largest fee will apply. If the premises is located in an
7 21 unincorporated town, the bill states that the unincorporated
7 22 town shall be treated as if it is a city.

7 23 The bill repeals Code section 123.35, which had prescribed
7 24 simplified application forms for the renewal of liquor control
7 25 licenses, wine permits, and beer permits when qualifications
7 26 had not changed since the license or permit was originally
7 27 issued. The bill also repeals Code section 123.133 providing
7 28 for the issuance of a special class "B" permit for the sale
7 29 of beer on trains, and deletes a provision which currently
7 30 states that Code section 123.141, regarding keeping liquor at
7 31 a location where beer is sold, shall not be applicable to any
7 32 railway car of any dining car company, sleeping car company,
7 33 railroad company, or railway company in possession of a special
7 34 class "B" beer permit. The bill makes conforming changes
7 35 consistent with the repeal of these Code sections.



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8 1 The bill additionally repeals Code sections 123.153 through
8 2 123.162, comprising division IV of Code chapter 123, entitled
8 3 "Warehouse Project". The provisions allowed the alcoholic
8 4 beverages commission to issue revenue bonds for a one-time
8 5 warehouse project.
LSB 2700HV (1) 84
rn/nh



**Iowa General Assembly
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House File 618 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 10)

A BILL FOR

1 An Act modifying licensing provisions applicable to fire
2 extinguishing and alarm systems contractors and installers,
3 and electricians and electrical contractors.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1255HV (3) 84

rn/rj



Iowa General Assembly
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House File 618 - Introduced continued

PAG LIN

1 1 Section 1. Section 100C.1, subsection 13, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. c. For a telecommunications company that
1 4 has been issued a certificate of public convenience and
1 5 necessity pursuant to section 476.29, a person with whom
1 6 the telecommunications company contracts, who is certified
1 7 by the national institute for certification in engineering
1 8 technologies as required in paragraph "a" or "b" or who meets
1 9 any other criteria established by rule.
1 10 Sec. 2. Section 100C.2, subsection 3, Code 2011, is amended
1 11 by adding the following new paragraph:
1 12 NEW PARAGRAPH. d. This subsection shall not apply to a
1 13 responsible managing employee with whom a telecommunications
1 14 company contracts as provided in section 100C.1, subsection 13,
1 15 paragraph "c".
1 16 Sec. 3. NEW SECTION. 103.1A Term "commercial" applied.
1 17 As used in this chapter:
1 18 1. "Commercial" refers to a use, installation, structure,
1 19 or premises associated with a place of business where goods,
1 20 wares, services, or merchandise is stored or offered for sale
1 21 on a wholesale or retail basis.
1 22 2. "Commercial" refers to a residence only if the residence
1 23 is also used as a place of business as provided in subsection
1 24 1.
1 25 3. "Commercial" does not refer to a use, installation,
1 26 structure, or premises associated with any of the following:
1 27 a. A farm.
1 28 b. An industrial installation.
1 29 Sec. 4. Section 103.22, subsection 7, Code 2011, is amended
1 30 to read as follows:
1 31 7. Prohibit an owner of property from performing work on the
1 32 owner's principal residence, if such residence is an existing
1 33 dwelling rather than new construction and is not an apartment
1 34 that is attached to any other apartment or building, as those
1 35 terms are defined in section 499B.2, and is not larger than a



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2 1 single-family dwelling, ~~or farm property, excluding commercial~~
2 2 ~~or industrial installations or installations in public use~~
2 3 ~~buildings or facilities,~~ or require such owner to be licensed
2 4 under this chapter. In order to qualify for inapplicability
2 5 pursuant to this subsection, a residence shall qualify for the
2 6 homestead tax exemption.

2 7 Sec. 5. Section 103.22, Code 2011, is amended by adding the
2 8 following new subsection:

2 9 NEW SUBSECTION. 15. Apply to a person performing any
2 10 installation on a farm, if the person is associated with the
2 11 farm as a holder of a legal or equitable interest, a relative
2 12 or employee of the holder, or an operator or manager of the
2 13 farm. The provisions of this chapter do not require such
2 14 person to be licensed. In addition, a permit is not required
2 15 for an installation on a farm, and an installation on a farm
2 16 is not required to be inspected. In order for a farm building
2 17 to qualify under this subsection, the farm building must not
2 18 be regularly open to the public as a place of business for the
2 19 retail sale of goods, wares, services, or merchandise.

2 20 EXPLANATION

2 21 This bill modifies licensing provisions applicable to fire
2 22 extinguishing and alarm systems contractors and installers, and
2 23 electricians and electrical contractors.

2 24 With reference to fire extinguishing and alarm systems
2 25 contractors and installers, in relation to the definition
2 26 of "responsible managing employee" contained in Code
2 27 section 100C.1, subsection 13, the bill provides that for a
2 28 telecommunications company that has been issued a certificate
2 29 of public convenience and necessity, a responsible managing
2 30 employee may be a person with whom the telecommunications
2 31 company contracts, who is certified by the national institute
2 32 for certification in engineering technologies or who meets any
2 33 other criteria established by rule.

2 34 The bill additionally modifies Code section 100C.2,
2 35 subsection 3. That subsection currently states that a



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3 1 responsible managing employee may act in that capacity for
3 2 only one fire extinguishing system contractor or alarm system
3 3 contractor at a time, and shall not be so designated for
3 4 more than two fire extinguishing system contractors or alarm
3 5 system contractors, respectively, in any 12-month period. The
3 6 subsection currently also states that a responsible managing
3 7 employee may serve in such capacity for a fire extinguishing
3 8 system contractor and an alarm system contractor at the same
3 9 time, provided that the fire extinguishing system contractor
3 10 and the alarm system contractor are the same business, and that
3 11 the person designated as the responsible managing employee
3 12 meets the responsible managing employee criteria established
3 13 for each certification. The bill provides that the subsection
3 14 shall not apply to a responsible managing employee with whom a
3 15 telecommunications company contracts as described above.

3 16 With reference to electricians and electrical contractors,
3 17 the bill provides that whenever the term "commercial" is
3 18 used in Code chapter 103, it refers to a use, installation,
3 19 structure, or premises associated with a place of business
3 20 where goods, wares, services, or merchandise is stored or
3 21 offered for sale on a wholesale or retail basis, and refers to
3 22 a residence only if the residence is also used as a place of
3 23 business. The bill states that "commercial" does not refer to
3 24 a use, installation, structure, or premises associated with
3 25 either a farm or an industrial installation.

3 26 The bill removes reference to farm property from Code
3 27 section 103.22, subsection 7, which provides an exemption from
3 28 Code chapter 103 for performing electrical work on an owner's
3 29 principal residence under specified circumstances. The bill
3 30 creates a new subsection in Code section 103.22 specifically
3 31 relating to farm property, stating that the Code chapter's
3 32 inapplicability provisions shall cover a person performing any
3 33 installation on a farm, if the person is associated with the
3 34 farm as a holder of a legal or equitable interest, a relative
3 35 or employee of the holder, or an operator or manager of the



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4 1 farm, and that such person shall not be required to be licensed
4 2 under the Code chapter. The bill also states that a permit is
4 3 not required for an installation on a farm, and an installation
4 4 on a farm is not required to be inspected. In order for a farm
4 5 building to qualify for Code chapter inapplicability, the bill
4 6 provides that the farm property shall not be regularly open to
4 7 the public as a place of business for the retail sale of goods,
4 8 wares, services, or merchandise.

LSB 1255HV (3) 84

rn/rj



**Iowa General Assembly
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House File 619 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 65)

A BILL FOR

1 An Act relating to games of skill and chance conducted by
2 qualified organizations, including by allowing qualified
3 organizations to lease electronic bingo equipment in order
4 to assist disabled participants.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1479HV (3) 84
aw/nh



Iowa General Assembly
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House File 619 - Introduced continued

PAG LIN

1 1 Section 1. Section 99B.7, subsection 3, paragraph a, Code
1 2 2011, is amended to read as follows:
1 3 a. A person wishing to conduct games and raffles pursuant
1 4 to this section as a qualified organization shall submit an
1 5 application and a license fee of one hundred fifty dollars.
1 6 The annual license fee for a statewide raffle license shall
1 7 be one hundred fifty dollars. However, upon submission of an
1 8 application accompanied by a license fee of fifteen dollars,
1 9 a person may be issued a limited license to conduct all games
1 10 and raffles pursuant to this section at a specified location
1 11 and during a specified period of fourteen consecutive calendar
1 12 days, except that a bingo occasion may only be conducted once
1 13 per each seven consecutive calendar days or once per day for a
1 14 period of up to six consecutive calendar days of the specified
1 15 period. In addition, a qualified organization may be issued
1 16 a limited license to conduct raffles pursuant to this section
1 17 for a period of ninety days for a license fee of forty dollars
1 18 or for a period of one hundred eighty days for a license fee of
1 19 seventy-five dollars. For the purposes of this paragraph, a
1 20 limited license is deemed to be issued on the first day of the
1 21 period for which the license is issued.
1 22 Sec. 2. Section 99B.7, subsection 8, Code 2011, is amended
1 23 to read as follows:
1 24 8. A qualified organization licensed under this section
1 25 shall purchase bingo equipment and supplies only from a
1 26 manufacturer or a distributor licensed by the department.
1 27 A qualified organization may also lease electronic bingo
1 28 equipment from a manufacturer or a distributor licensed by the
1 29 department for the purpose of aiding disabled individuals.

1 30 EXPLANATION

1 31 This bill relates to qualified organizations that conduct
1 32 certain games of skill or chance. The bill allows for certain
1 33 limited licenses to be issued permitting bingo occasions to be
1 34 played once per day for six consecutive calendar days. The
1 35 bill also allows qualified organizations, for the purpose



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House File 619 - Introduced continued

2 1 of aiding disabled participants, to lease electronic bingo
2 2 equipment from a manufacturer or distributor licensed by the
2 3 department of inspections and appeals.
2 4 A qualified organization is defined as an organization
2 5 licensed by the department of inspections and appeals which
2 6 dedicates its net receipts from a game of skill or chance or a
2 7 raffle to educational, civic, public, charitable, patriotic,
2 8 or religious uses.

LSB 1479HV (3) 84

aw/nh



**Iowa General Assembly
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House File 620 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 237)

A BILL FOR

1 An Act concerning implementation of the federal REAL ID Act of
2 2005.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1141HV (1) 84
dea/nh



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House File 620 - Introduced continued

PAG LIN

1 1 Section 1. FINDINGS AND INTENT.

1 2 1. The general assembly finds that the enactment into
1 3 law of the federal REAL ID Act of 2005, contained in Pub.
1 4 L. No. 109=13, is inimical to the security and well=being
1 5 of the people of Iowa, will cause unnecessary expense and
1 6 inconvenience to those people, and was adopted by the United
1 7 States Congress in violation of the principles of federalism
1 8 contained in the tenth amendment to the Constitution of the
1 9 United States.

1 10 2. It is the intent of the general assembly that the State
1 11 of Iowa shall not participate in the implementation of the REAL
1 12 ID Act of 2005.

1 13 Sec. 2. NEW SECTION. 321.173 REAL ID Act of 2005 ====
1 14 implementation prohibited.

1 15 1. The department shall not implement the provisions of the
1 16 federal REAL ID Act of 2005, contained in Pub. L. No. 109=13,
1 17 and shall report to the governor and the general assembly any
1 18 attempt by agencies or agents of the United States department
1 19 of homeland security to secure the implementation of the REAL
1 20 ID Act of 2005 through the operations of the department of
1 21 transportation or any other agency of this state or a political
1 22 subdivision of this state.

1 23 2. No department, agency, or officer of this state, or
1 24 of any of its political subdivisions, charged with motor
1 25 vehicle registration or regulation, the issuance or renewal of
1 26 driver's licenses, or the issuance or renewal of nonoperator's
1 27 identification cards shall collect, obtain, or retain any data
1 28 in connection with activities related to complying with the
1 29 REAL ID Act of 2005.

1 30 3. Nothing in this section is intended to prevent the
1 31 department from taking reasonable steps to enhance the security
1 32 of Iowa driver's licenses and nonoperator's identification
1 33 cards.

1 34 EXPLANATION

1 35 On May 11, 2005, Congress passed the REAL ID Act of 2005



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2 1 as part of the Emergency Supplemental Appropriations Act
2 2 for Defense, the Global War on Terror, and Tsunami Relief,
2 3 2005. The REAL ID Act establishes standards, procedures,
2 4 and requirements that must be met if state-issued driver's
2 5 licenses and identification cards are to be accepted as valid
2 6 identification for certain federal purposes, such as boarding
2 7 an aircraft or visiting a federal facility. This bill states
2 8 the general assembly's findings that the REAL ID Act is
2 9 inimical to the security and well-being of the people of Iowa,
2 10 will cause unnecessary expense and inconvenience, and violates
2 11 the principles of federalism contained in the tenth amendment
2 12 to the Constitution of the United States. The bill states
2 13 the general assembly's intent that Iowa not participate in
2 14 implementation of the REAL ID Act.

2 15 The bill prohibits the department of transportation from
2 16 implementing the provisions of the REAL ID Act and requires
2 17 the department to report any attempt by the U.S. department of
2 18 homeland security to secure the state's implementation of the
2 19 REAL ID Act.

2 20 The bill further prohibits any agency of the state or its
2 21 political subdivisions charged with duties relating to motor
2 22 vehicle registration or regulation, or to the issuance of
2 23 driver's licenses and nonoperator's identification cards,
2 24 to collect, obtain, or retain any data in connection with
2 25 activities related to compliance with the REAL ID Act.

LSB 1141HV (1) 84

dea/nh



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House File 621 - Introduced

HOUSE FILE
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO HF 79)

A BILL FOR

1 An Act relating to the issuance of persons with disabilities
2 parking permits, and including effective date and
3 applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1415HV (2) 84

dea/nh



Iowa General Assembly
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House File 621 - Introduced continued

PAG LIN

1 1 Section 1. Section 321L.2, Code 2011, is amended to read as
1 2 follows:

1 3 321L.2 Persons with disabilities parking permits ====
1 4 application and issuance.

1 5 1. A resident of the state with a disability desiring a
1 6 persons with disabilities parking permit shall apply to the
1 7 department ~~upon an application on a~~ form furnished by the
1 8 department providing the applicant's full legal name, address,
1 9 date of birth, and social security number or Iowa driver's
1 10 license number or Iowa nonoperator's identification card
1 11 number, and shall also provide a statement from a physician
1 12 licensed under chapter 148 or 149, a physician assistant
1 13 licensed under chapter 148C, an advanced registered nurse
1 14 practitioner licensed under chapter 152, or a chiropractor
1 15 licensed under chapter 151, or a physician, physician
1 16 assistant, nurse practitioner, or chiropractor licensed to
1 17 practice in a contiguous state, written on the physician's,
1 18 physician assistant's, nurse practitioner's, or chiropractor's
1 19 stationery, stating the nature of the applicant's disability
1 20 and such additional information as required by rules adopted by
1 21 the department under section 321L.8. If the person is applying
1 22 for a temporary persons with disabilities parking permit, the
1 23 physician's, physician assistant's, nurse practitioner's, or
1 24 chiropractor's statement shall state the period of time during
1 25 which the person is expected to be disabled and the period
1 26 of time for which the permit should be issued, not to exceed
1 27 six months. The department may waive the requirement that
1 28 the applicant furnish the applicant's social security number,
1 29 Iowa driver's license number, or nonoperator's identification
1 30 card number when the application for a temporary persons with
1 31 disabilities parking permit is made on behalf of a person who
1 32 is less than one year old.

1 33 ~~a-~~ 2. A person with a disability may apply for one of the
1 34 following persons with disabilities parking permits:

1 35 ~~(1)~~ a. Persons with disabilities registration plates. An



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2 1 applicant may order persons with disabilities registration
2 2 plates pursuant to section 321.34. An applicant may order a
2 3 persons with disabilities registration plate for a trailer
2 4 used to transport a wheelchair pursuant to section 321.34 in
2 5 addition to persons with disabilities registration plates
2 6 ordered by the applicant for a motor vehicle used to tow such a
2 7 trailer pursuant to section 321.34.

2 8 ~~(2)~~ b. Persons with disabilities parking sticker. An
2 9 applicant who owns a motor vehicle for which the applicant
2 10 has been issued registration plates under section 321.34 or
2 11 registration plates as a seriously disabled veteran under
2 12 section 321.105 may apply to the department for a persons with
2 13 disabilities parking sticker to be affixed to the plates. The
2 14 persons with disabilities parking stickers shall bear the
2 15 international symbol of accessibility.

2 16 ~~(3)~~ c. Removable windshield placard. A person with a
2 17 disability may apply for a temporary removable windshield
2 18 placard ~~which shall be~~ valid for a period of up to six months
2 19 or a ~~nonexpiring~~ standard removable windshield placard valid
2 20 for a period of five years, as determined by the physician's,
2 21 physician assistant's, nurse practitioner's, or chiropractor's
2 22 statement under this subsection 1.

2 23 (1) A temporary removable windshield placard shall be
2 24 renewed within thirty days of the date of expiration. Persons
2 25 seeking temporary removable windshield placards shall be
2 26 required to furnish evidence upon initial application that
2 27 they have a temporary disability and, in addition, furnish
2 28 evidence at subsequent intervals that they remain temporarily
2 29 disabled. Temporary removable windshield placards shall be
2 30 of a distinctively different color from ~~nonexpiring~~ standard
2 31 removable windshield placards.

2 32 (2) A ~~nonexpiring~~ standard removable windshield placard
2 33 shall state on the face of the placard that it is a ~~nonexpiring~~
~~2 34 placard shall expire on the last day of the month that is five~~
2 35 years from the date of issuance. A person with a disability



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3 1 may renew a standard removable windshield placard within thirty
3 2 days before or after the date of expiration by certifying to
3 3 the department that the person has a continuing need for the
3 4 placard.

3 5 (3) The department shall issue one additional removable
3 6 windshield placard upon the request of a person with a
3 7 disability.

3 8 ~~b.~~ 3. a. The department may issue expiring removable
3 9 windshield placards to the following:

3 10 (1) An organization which has a program for transporting
3 11 persons with disabilities or elderly persons.

3 12 (2) A person in the business of transporting persons with
3 13 disabilities or elderly persons.

3 14 ~~e.~~ b. One expiring removable windshield placard may be
3 15 issued for each vehicle used by the organization or person for
3 16 transporting persons with disabilities or elderly persons.

3 17 A placard issued under this ~~paragraph~~ subsection shall be
3 18 renewed every four years from the date of issuance and shall
3 19 be surrendered to the department if the organization or person
3 20 is no longer providing the service for which the placard was
3 21 issued. Notwithstanding section 321L.4, a person transporting
3 22 persons with disabilities or elderly persons in a motor vehicle
3 23 for which a placard has been issued under this ~~paragraph~~

~~3 24~~ subsection may display the placard in the motor vehicle and may
3 25 use a persons with disabilities parking space while the motor
3 26 vehicle is displaying the placard. A placard issued under this
3 27 ~~paragraph~~ subsection shall be of a distinctively different
3 28 color from a placard issued under ~~paragraph "a"~~ subsection 2.

3 29 ~~d.~~ 4. A new removable windshield placard can be issued
3 30 if the previously issued placard is reported lost, stolen, or
3 31 damaged. The placard reported as being lost or stolen shall
3 32 be invalidated by the department. A placard which is damaged
3 33 shall be returned to the department and exchanged for a new
3 34 placard in accordance with rules adopted by the department.

3 35 ~~2.~~ 5. Any person providing false information with the



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4 1 intent to defraud on the application for a persons with
4 2 disabilities parking permit used in establishing proof under
4 3 subsection 1 is subject to a civil penalty of three hundred
4 4 dollars which may be imposed by the department. A physician,
4 5 physician assistant, nurse practitioner, or chiropractor who
4 6 provides false information with the intent to defraud on the
4 7 physician's, physician assistant's, nurse practitioner's, or
4 8 chiropractor's statement used in establishing proof under
4 9 subsection 1 is subject to a civil penalty of three hundred
4 10 dollars which may be imposed by the department. In addition
4 11 to the civil penalty, the department shall revoke the permit
4 12 issued pursuant to this section.
4 13 ~~3.~~ 6. The removable windshield placard shall contain the
4 14 following information:
4 15 a. Each side of the placard shall include all of the
4 16 following:
4 17 (1) The international symbol of access, which is at least
4 18 three inches in height, centered on the placard, and is white
4 19 on a blue shield.
4 20 (2) An identification number.
4 21 (3) A date of expiration, which shall be of sufficient size
4 22 to be readable from outside the vehicle.
4 23 (4) The seal or other identification of the issuing
4 24 authority.
4 25 b. One side of the placard shall contain all of the
4 26 following information:
4 27 (1) A statement printed on it as follows: "Unauthorized
4 28 use of this placard as indicated in Iowa Code chapter 321L may
4 29 result in a fine, invalidation of the placard, or revocation of
4 30 the right to use the placard. This placard shall be displayed
4 31 only when the vehicle is parked in a persons with disabilities
4 32 parking space or in a parking space not designated as a persons
4 33 with disabilities parking space if a wheelchair parking cone is
4 34 used pursuant to Iowa Code section 321L.2A."
4 35 (2) The return address and telephone number of the



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5 1 department.

5 2 (3) The signature of the person who has been issued the
5 3 placard.

5 4 ~~4.~~ 7. A removable windshield placard shall only be
5 5 displayed when the vehicle is parked in a persons with
5 6 disabilities parking space.

5 7 ~~5.~~ 8. A seriously disabled veteran who has been provided
5 8 with an automobile or other vehicle by the United States
5 9 government under the provisions of 38 U.S.C. { 1901 et seq.
5 10 (1970) is not required to apply for a persons with disabilities
5 11 parking permit under this section unless the veteran has been
5 12 issued special registration plates or personalized plates for
5 13 the vehicle. The regular registration plates issued for the
5 14 disabled veteran's vehicle without fee pursuant to section
5 15 321.105 entitle the disabled veteran to all of the rights and
5 16 privileges associated with persons with disabilities parking
5 17 permits under this chapter.

5 18 Sec. 2. Section 321L.4, subsection 2, Code 2011, is amended
5 19 to read as follows:

5 20 2. The use of a persons with disabilities parking space,
5 21 located on either public or private property as provided in
5 22 sections 321L.5 and 321L.6, by an operator of a vehicle not
5 23 displaying a persons with disabilities parking permit; by an
5 24 operator of a vehicle displaying a persons with disabilities
5 25 parking permit but not being used by a person issued a permit
5 26 or being transported in accordance with section 321L.2,
5 27 ~~subsection 1, paragraph "b"~~ 3; or by a vehicle in violation
5 28 of the rules adopted by the department under section 321L.8,
5 29 constitutes improper use of a persons with disabilities parking
5 30 permit, which is a misdemeanor for which a scheduled fine shall
5 31 be imposed upon the owner, operator, or lessee of the vehicle
5 32 or the person to whom the persons with disabilities parking
5 33 permit is issued. The scheduled fine for each violation shall
5 34 be as established in section 805.8A, subsection 1, paragraph
5 35 "c". Proof of conviction of two or more violations involving



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6 1 improper use of a persons with disabilities parking permit
6 2 is grounds for revocation by the court or the department of
6 3 the holder's privilege to possess or use the persons with
6 4 disabilities parking permit.

6 5 Sec. 3. EFFECTIVE DATE AND APPLICABILITY. This Act
6 6 takes effect January 1, 2012, and applies for persons with
6 7 disabilities placards issued on or after that date. The
6 8 enactment of this Act does not affect the validity of
6 9 nonexpiring persons with disabilities placards issued prior to
6 10 January 1, 2012.

6 11 EXPLANATION

6 12 This bill revises current practices relating to the issuance
6 13 of persons with disabilities parking placards. Under current
6 14 law, a person may apply for either a temporary placard, valid
6 15 for up to six months, or a nonexpiring placard. The bill
6 16 eliminates the nonexpiring placard and replaces it with a
6 17 standard placard which expires five years from the date of
6 18 issuance. A person with a standard placard may renew the
6 19 placard within 30 days before or after the expiration date
6 20 by certifying that the person has a continuing need for the
6 21 placard. Pursuant to current law, certification requires a
6 22 statement from a licensed physician, physician assistant,
6 23 advanced registered nurse practitioner, or chiropractor stating
6 24 the nature of the person's disability.

6 25 The bill takes effect January 1, 2012, and applies to new
6 26 placards issued on or after that date. Nonexpiring placards
6 27 issued before January 1, 2012, will continue to be valid after
6 28 that date.

LSB 1415HV (2) 84

dea/nh



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House File 622 - Introduced

HOUSE FILE
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO HSB 143)

A BILL FOR

1 An Act concerning implementation of a statewide program
2 for electronic registration and titling of vehicles and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2429HV (2) 84
dea/nh



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1 1 Section 1. 2010 Iowa Acts, chapter 1109, section 1, is
1 2 amended to read as follows:

1 3 SECTION 1. ELECTRONIC VEHICLE REGISTRATION AND TITLING ==
1 4 INTENT ==== DELAYED IMPLEMENTATION.

1 5 1. It is the intent of the general assembly to establish
1 6 a uniform statewide system to allow electronic transactions
1 7 for the initial registration and titling of motor vehicles,
1 8 including electronic applications, electronic issuance of
1 9 titles, electronic registration, electronic transfer of funds,
1 10 electronic perfection of liens, and issuance of secure and
1 11 individually identifiable temporary registration cards, ~~by~~
~~1 12 January 1, 2012.~~

1 13 2. The establishment of a pilot program or a statewide
1 14 system involving electronic transactions for issuance of
1 15 titles, registration of vehicles, and issuance of secure
1 16 and individually identifiable temporary registration cards
1 17 shall be subject to approval of the general assembly. Before
1 18 establishing such a pilot program or statewide system, the
1 19 department of transportation shall submit proposed legislation
1 20 for consideration by the general assembly. The proposal shall
1 21 describe the process to be followed to accomplish the remaining
1 22 components of the statewide electronic registration and titling
1 23 system intended under this section.

1 24 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 25 immediate importance, takes effect upon enactment.

1 26 EXPLANATION

1 27 This bill amends a provision in 2010 Iowa Acts, chapter 1109,
1 28 which expresses the intent of the general assembly to establish
1 29 a uniform statewide system to allow electronic transactions
1 30 for the initial registration and titling of motor vehicles by
1 31 January 1, 2012. The bill strikes the 2012 target date, but
1 32 leaves intact the intent to establish the system. The 2010
1 33 legislation lists five components of the proposed system, and
1 34 development of two of those components, electronic transfer
1 35 of funds and electronic perfection of liens, is proceeding as



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2 1 intended.

2 2 The bill requires legislative approval before the remaining
2 3 components of the system, electronic transactions for issuance
2 4 of titles, registration of vehicles, and issuance of secure
2 5 and individually identifiable temporary registration cards,
2 6 are implemented. Before establishing either a pilot program
2 7 or a statewide electronic registration and titling system, the
2 8 department of transportation is required to submit proposed
2 9 legislation describing the process to be followed to accomplish
2 10 the remaining components of the statewide system.

2 11 The bill is effective upon enactment.



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House File 623 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 106)

A BILL FOR

1 An Act relating to the treatment of medical assistance
2 eligibility for individuals committed to certain public
3 institutions, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1770HV (2) 84
pf/nh



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1 1 Section 1. NEW SECTION. 249A.38 Inmates of public
1 2 institutions ==== suspension or termination of medical assistance.
1 3 1. The following conditions shall apply to an individual who
1 4 is an inmate of a public institution as defined in 42 C.F.R.
1 5 { 435.1010, who is enrolled in the medical assistance program
1 6 at the time of commitment to the public institution, and who
1 7 is eligible for medical assistance by reason of disability or
1 8 being sixty=five years of age or older:
1 9 a. The department shall suspend the individual's
1 10 eligibility for up to the initial twelve months of the period
1 11 of commitment. The department shall delay the suspension
1 12 of eligibility for a period of up to the first thirty days
1 13 of commitment if such delay is approved by the centers for
1 14 Medicare and Medicaid services of the United States department
1 15 of health and human services. If such delay is not approved,
1 16 the department shall suspend eligibility during the entirety
1 17 of the initial twelve months of the period of commitment.
1 18 Claims submitted on behalf of the individual under the medical
1 19 assistance program for covered services provided during the
1 20 delay period shall only be reimbursed if federal financial
1 21 participation is applicable to such claims.
1 22 b. The department shall terminate the individual's
1 23 eligibility following the initial twelve months of the period
1 24 of commitment.
1 25 2. a. A public institution shall provide the department and
1 26 the social security administration with a monthly report of the
1 27 individuals who are committed to the public institution and of
1 28 the individuals who are discharged from the public institution.
1 29 b. The department shall provide a public institution with
1 30 the forms necessary to be used by the individual in expediting
1 31 restoration of the individual's medical assistance benefits
1 32 upon discharge from the public institution.
1 33 3. This section applies to individuals as specified in
1 34 subsection 1 on or after January 1, 2012.
1 35 4. The department may adopt rules pursuant to chapter 17A to



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2 1 implement this section.

2 2 Sec. 2. IMPLEMENTATION.

2 3 1. The department of human services shall request any
2 4 waiver or approval necessary from the centers for Medicare and
2 5 Medicaid services of the United States department of health
2 6 and human services to provide for the delay in suspension of
2 7 eligibility as provided in this Act. The department shall
2 8 implement the delay period to the maximum extent of the federal
2 9 approval.

2 10 2. The department of human services shall do all of the
2 11 following:

2 12 a. Develop a process for suspension of medical assistance
2 13 eligibility for individuals as specified in this Act.

2 14 b. By July 1, 2013, submit recommendations to the general
2 15 assembly for changes in state law and the redesign of the
2 16 eligibility information management system in order to maximize
2 17 and facilitate restoration of medical assistance benefits
2 18 to inmates of public institutions upon discharge. The
2 19 recommendations shall incorporate medical assistance program
2 20 eligibility changes necessitated by the federal Patient
2 21 Protection and Affordable Care Act, Pub. L. No. 111=148.

2 22 c. Incorporate provisions for suspension and termination
2 23 of medical assistance eligibility for inmates of public
2 24 institutions within any future redesign of the medical
2 25 assistance program eligibility information management system.

2 26 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 27 immediate importance, takes effect upon enactment.

2 28 EXPLANATION

2 29 This bill provides for the suspension of medical assistance
2 30 (Medicaid) benefits of a person who is eligible for Medicaid
2 31 by reason of disability or being 65 years of age or older,
2 32 and who received Medicaid benefits immediately prior to the
2 33 individual's commitment to a public institution. The duration
2 34 of the suspension would be for the initial 12=month period of
2 35 commitment, after which such benefits would be terminated.



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House File 623 - Introduced continued

3 1 The bill also provides that if federal approval is received,
3 2 DHS would delay the suspension for up to the first 30 days of
3 3 the period of commitment, and that payment of claims under
3 4 the medical assistance program for the individual during the
3 5 30-day delay would not be reimbursed if federal financial
3 6 participation was not applicable to the claim.
3 7 The bill requires a public institution to provide the
3 8 department of human services (DHS) and the social security
3 9 administration with a monthly report of individuals who are
3 10 committed to or who are discharged from the public institution.
3 11 DHS is required to provide the public institution with the
3 12 forms necessary to be used by the individual to expedite
3 13 restoration of Medicaid benefits upon discharge.
3 14 The bill applies to individuals on or after January 1, 2012.
3 15 The bill directs DHS to request a federal waiver or approval
3 16 for the 30-day delay in the suspension; directs DHS to develop
3 17 a process for the suspension; directs DHS by July 1, 2013, to
3 18 submit recommendations to the general assembly for changes
3 19 in state law and the redesign of the eligibility information
3 20 management system to maximize and facilitate restoration of
3 21 Medicaid benefits for inmates of public institutions upon
3 22 discharge, incorporating the eligibility changes under the
3 23 federal Patient Protection and Affordable Care Act; and directs
3 24 DHS to incorporate the suspension and termination provisions in
3 25 any redesign of the eligibility information management system.
3 26 The bill takes effect upon enactment.



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House File 624 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 46)

A BILL FOR

1 An Act relating to limitations on creditors' rights in
2 spendthrift trusts and discretionary trusts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1902HV (1) 84
rh/nh



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House File 624 - Introduced continued

PAG LIN

1 1 Section 1. Section 633A.2302, subsection 3, Code 2011, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 633A.2305, Code 2011, is amended to read as
1 4 follows:
1 5 633A.2305 Discretionary trusts ==== effect of standard.
1 6 ~~1.~~ Whether or not a trust contains a spendthrift provision,
1 7 a creditor or assignee of a beneficiary shall not compel a
1 8 distribution that is subject to the trustee's discretion, even
1 9 if any of the following occur:

1 10 ~~a.~~ 1. The discretion is expressed in the form of a standard
1 11 of distribution.

1 12 ~~b.~~ 2. The trustee has abused its discretion.

1 13 ~~2. This section shall not apply to a creditor of a~~
~~1 14 beneficiary or to a creditor of a deceased beneficiary~~
~~1 15 enforcing an interest in a trust, if any, given to a~~
~~1 16 beneficiary by the trust instrument.~~

1 17 Sec. 3. Section 633A.2306, Code 2011, is amended to read as
1 18 follows:

1 19 633A.2306 Court action ==== trustee's discretion.

1 20 ~~1.~~ If a trustee has discretion as to payments to a
1 21 beneficiary, and refuses to make payments or exercise its
1 22 discretion, the court shall neither order the trustee to
1 23 exercise its discretion nor order payment from any such trust,
1 24 if any such payment would inure, directly or indirectly, to the
1 25 benefit of a creditor of the beneficiary.

1 26 ~~2. Notwithstanding subsection 1, the court may order~~
~~1 27 payment to a creditor of a beneficiary or to a creditor of a~~
~~1 28 deceased beneficiary if the beneficiary has or had an interest~~
~~1 29 in the trust.~~

1 30 EXPLANATION

1 31 This bill eliminates provisions in Code sections 633A.2302,
1 32 633A.2305, and 633A.2306 allowing a creditor to reach a
1 33 beneficiary's (including a deceased beneficiary) interest in
1 34 a spendthrift trust or a discretionary trust to satisfy an
1 35 enforceable claim against the beneficiary.

LSB 1902HV (1) 84

rh/nh



**Iowa General Assembly
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House File 625 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 205)

A BILL FOR

1 An Act relating to open records and public meetings, including
2 the creation of an open meetings, public records, and
3 privacy advisory committee.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1739HV (3) 84

rh/rj



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PAG LIN

1 1 Section 1. Section 8A.341, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. If money is appropriated for this purpose, by November 1
1 4 of each year supply a report which contains the name, gender,
1 5 county, or city of residence when possible, official title,
1 6 salary received during the previous fiscal year, base salary as
1 7 computed on July 1 of the current fiscal year, and traveling
1 8 and subsistence expense of the personnel of each of the
1 9 departments, boards, and commissions of the state government
1 10 except personnel who receive an annual salary of less than one
1 11 thousand dollars. The number of the personnel and the total
1 12 amount received by them shall be shown for each department in
1 13 the report. All employees who have drawn salaries, fees, or
1 14 expense allowances from more than one department or subdivision
1 15 shall be listed separately under the proper departmental
1 16 heading. On the request of the director, the head of each
1 17 department, board, or commission shall furnish the data
1 18 covering that agency. The report shall be distributed upon
1 19 request without charge in an electronic medium to each caucus
1 20 of the general assembly, the legislative services agency, the
1 21 chief clerk of the house of representatives, and the secretary
1 22 of the senate. Copies of the report shall be made available to
1 23 other persons in an electronic medium upon payment of a fee,
1 24 which shall not exceed the cost of providing the copy of the
1 25 report. Sections 22.2 through ~~22.6~~ 22.5 apply to the report.
1 26 All funds from the sale of the report shall be deposited in the
1 27 printing revolving fund established in section 8A.345.
1 28 Sec. 2. Section 8E.202, subsection 1, unnumbered paragraph
1 29 1, Code 2011, is amended to read as follows:
1 30 The department and each agency shall provide for the widest
1 31 possible dissemination of information between agencies and the
1 32 public relating to the enterprise strategic plan and agency
1 33 strategic plans, including but not limited to internet access.
1 34 This section does not require the department or an agency to
1 35 release information which is classified as a confidential



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2 1 record under this Code, ~~including but not limited to section~~
2 ~~2 22.7.~~
2 3 Sec. 3. Section 8E.202, subsection 3, Code 2011, is amended
2 4 to read as follows:
2 5 3. A record which is confidential under this Code, ~~including~~
2 ~~6 but not limited to section 22.7,~~ shall not be released to the
2 7 public under this section.
2 8 Sec. 4. Section 21.1, Code 2011, is amended by striking the
2 9 section and inserting in lieu thereof the following:
2 10 21.1 Intent ==== declaration of policy.
2 11 1. The general assembly recognizes that open government is
2 12 a cornerstone to ensuring and protecting the free exchange of
2 13 information from government to the people and it is therefore
2 14 the intent of the general assembly to do all of the following:
2 15 a. Provide access to governmental information as an
2 16 essential function of government and an integral part of the
2 17 routine duties of governmental officers and employees.
2 18 b. Balance transparency in government with the need to
2 19 protect personal privacy.
2 20 c. Recognize barriers that may impede the public's access
2 21 to governmental information and participation in governmental
2 22 functions and remove those barriers.
2 23 d. Ensure and facilitate the public's right to access and
2 24 review governmental information.
2 25 2. Ambiguity in the construction or application of this
2 26 chapter should be resolved in favor of openness.
2 27 Sec. 5. Section 21.4, subsections 1 and 3, Code 2011, are
2 28 amended to read as follows:
2 29 1. A Except as provided in subsection 3, a governmental
2 30 body, ~~except township trustees,~~ shall give notice of the time,
2 31 date, and place of each meeting including a reconvened meeting
2 32 of the governmental body, and ~~its~~ the tentative agenda of the
2 33 meeting, in a manner reasonably calculated to apprise the
2 34 public of that information. Reasonable notice shall include
2 35 advising the news media who have filed a request for notice



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3 1 with the governmental body and posting the notice on a bulletin
3 2 board or other prominent place which is easily accessible to
3 3 the public and clearly designated for that purpose at the
3 4 principal office of the body holding the meeting, or if no such
3 5 office exists, at the building in which the meeting is to be
3 6 held.

3 7 3. Subsection 1 does not apply to any of the following:

3 8 a. A meeting reconvened within four hours of the start of
3 9 its recess, where an announcement of the time, date, and place
3 10 of the reconvened meeting is made at the original meeting in
3 11 open session and recorded in the minutes of the meeting and
3 12 there is no change in the agenda.

3 13 b. A meeting held by a formally constituted subunit of a
3 14 parent governmental body may conduct a meeting without notice
~~3 15 as required by this section during a lawful meeting of the~~
3 16 parent governmental body, or during a recess in that meeting
3 17 of up to four hours, or a meeting of that subunit immediately
3 18 following that the meeting of the parent governmental body, if
3 19 the meeting of the that subunit is publicly announced in open
3 20 session at the parent meeting and the subject of the meeting
3 21 reasonably coincides with the subjects discussed or acted upon
3 22 by the parent governmental body.

3 23 Sec. 6. Section 21.5, subsection 1, paragraph j, Code 2011,
3 24 is amended to read as follows:

3 25 j. To discuss the purchase of particular real estate only
3 26 where premature disclosure could be reasonably expected to
3 27 increase the price the governmental body would have to pay for
3 28 that property. The minutes and the ~~tape~~ audio recording of
3 29 a session closed under this paragraph shall be available for
3 30 public examination when the transaction discussed is completed.

3 31 Sec. 7. Section 21.5, subsection 4, Code 2011, is amended
3 32 to read as follows:

3 33 4. A governmental body shall keep detailed minutes of all
3 34 discussion, persons present, and action occurring at a closed
3 35 session, and shall also ~~tape~~ audio record all of the closed



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4 1 session. The detailed minutes and ~~tape~~ audio recording of a
4 2 closed session shall be sealed and shall not be public records
4 3 open to public inspection. However, upon order of the court
4 4 in an action to enforce this chapter, the detailed minutes
4 5 and ~~tape~~ audio recording shall be unsealed and examined by
4 6 the court in camera. The court shall then determine what
4 7 part, if any, of the minutes should be disclosed to the
4 8 party seeking enforcement of this chapter for use in that
4 9 enforcement proceeding. In determining whether any portion of
4 10 the minutes or recording shall be disclosed to such a party for
4 11 this purpose, the court shall weigh the prejudicial effects
4 12 to the public interest of the disclosure of any portion of
4 13 the minutes or recording in question, against its probative
4 14 value as evidence in an enforcement proceeding. After such a
4 15 determination, the court may permit inspection and use of all
4 16 or portions of the detailed minutes and ~~tape~~ audio recording by
4 17 the party seeking enforcement of this chapter. A governmental
4 18 body shall keep the detailed minutes and ~~tape~~ audio recording
4 19 of any closed session for a period of at least one year from the
4 20 date of that meeting, except as otherwise required by law.

4 21 Sec. 8. Section 21.6, subsection 3, paragraph a, Code 2011,
4 22 is amended to read as follows:

4 23 a. Shall assess each member of the governmental body who
4 24 participated in its violation damages in the amount of not more
4 25 than five hundred dollars ~~nor~~ and not less than one hundred
4 26 dollars. However, if a member of a governmental body knowingly
4 27 participated in such a violation, damages shall be in the
4 28 amount of not more than two thousand five hundred dollars
4 29 and not less than one thousand dollars. These damages shall
4 30 be paid by the court imposing it to the state of Iowa, if
4 31 the body in question is a state governmental body, or to the
4 32 local government involved if the body in question is a local
4 33 governmental body. A member of a governmental body found to
4 34 have violated this chapter shall not be assessed such damages
4 35 if that member proves that the member did any of the following:



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5 1 (1) Voted against the closed session.

5 2 (2) Had good reason to believe and in good faith believed
5 3 facts which, if true, would have indicated compliance with all
5 4 the requirements of this chapter.

5 5 (3) Reasonably relied upon a decision of a court, ~~or~~ a
5 6 formal opinion of the attorney general, or the attorney for the
5 7 governmental body, given in writing, or as memorialized in the
5 8 minutes of the meeting at which an oral opinion was given, or
5 9 an advisory opinion of the attorney general, or the attorney
5 10 for the governmental body, given in writing.

5 11 Sec. 9. Section 21.8, subsection 1, unnumbered paragraph 1,
5 12 Code 2011, is amended to read as follows:

5 13 A governmental body may conduct a meeting and individual
5 14 members of a governmental body may participate in meetings of
5 15 a governmental body by electronic means only in circumstances
5 16 where such a meeting in person is impossible or impractical
5 17 and only if the governmental body complies with all of the
5 18 following:

5 19 Sec. 10. NEW SECTION. 22.0A Intent ==== declaration of
5 20 policy.

5 21 1. The general assembly recognizes that open government is
5 22 a cornerstone to ensuring and protecting the free exchange of
5 23 information from government to the people and it is therefore
5 24 the intent of the general assembly to do all of the following:

5 25 a. Provide access to governmental information as an
5 26 essential function of government and an integral part of the
5 27 routine duties of government officers and employees.

5 28 b. Balance transparency in government with the need to
5 29 protect personal privacy.

5 30 c. Recognize barriers that may impede the public's access
5 31 to governmental information and participation in governmental
5 32 functions and remove those barriers.

5 33 d. Ensure and facilitate the public's right to access and
5 34 review government information.

5 35 2. Ambiguity in the construction or application of this



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6 1 chapter should be resolved in favor of openness.

6 2 Sec. 11. Section 22.2, subsection 1, Code 2011, is amended
6 3 to read as follows:

6 4 1. a. Every person shall have the right to examine and
6 5 copy a public record and to publish or otherwise disseminate a
6 6 public record or the information contained in a public record.

6 7 b. Unless otherwise provided for by law, the right to
6 8 examine a public record shall include the right to examine a
6 9 public record without charge while the public record is in the
6 10 physical possession of the custodian of the public record. ~~The~~

6 11 c. Unless otherwise provide for by law, the right to copy
6 12 a public record shall include the right to make photographs
6 13 or photographic copies while the public record is in the
6 14 possession of the custodian of the public record. If a public
6 15 record exists in electronic format, the governmental body shall

6 16 provide a copy of the public record in electronic form, if
6 17 reasonable. All rights under this section are in addition to
6 18 the right to obtain a certified copy of a public record under
6 19 section 622.46.

6 20 Sec. 12. NEW SECTION. 22.2A Record requests ==== time limits.

6 21 1. Upon receipt of an oral or written request to examine or
6 22 copy a public record, the lawful custodian shall, if feasible
6 23 in the ordinary course of business, permit such examination
6 24 or copying at the time of the request. If it is not feasible
6 25 in the ordinary course of business to permit examination or
6 26 copying of the public record at the time of the request,
6 27 the lawful custodian shall immediately notify the requester,
6 28 orally or in writing, when such examination or copying may take
6 29 place, which shall be no later than five business days from
6 30 the time of the request unless there is good cause for further
6 31 delay. If further delay is necessary because of good cause
6 32 in responding to a request to examine or copy a record the
6 33 lawful custodian knows is a public record, the lawful custodian
6 34 shall provide the requester with a written statement detailing
6 35 the reason or reasons for the delay and the date by which the



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7 1 request will be satisfied.

7 2 2. If the lawful custodian is in doubt as to whether the
7 3 record requested is a public record or whether the requester
7 4 should be permitted to examine or copy a public record
7 5 specified in section 22.7, the lawful custodian shall make
7 6 that determination within ten business days from the date of
7 7 the request unless further delay is necessary because of good
7 8 cause, which is communicated in writing to the requester.
7 9 Examination or copying of the government record shall be
7 10 allowed within five business days from the date the lawful
7 11 custodian makes the determination in such circumstances to
7 12 permit examination or copying of the record unless there is
7 13 good cause for further delay in fulfilling the request as
7 14 provided in subsection 1.

7 15 3. If the lawful custodian denies a request to examine or
7 16 copy a public record, the custodian must provide the requester
7 17 at the time of the denial a written statement denying the
7 18 request and detailing the specific reason or reasons for the
7 19 denial.

7 20 4. If the lawful custodian does not fulfill a request to
7 21 examine or copy a public record within the times prescribed
7 22 in this section, the request shall be deemed denied and the
7 23 requester shall be entitled to file a lawsuit against the
7 24 lawful custodian pursuant to section 22.10.

7 25 Sec. 13. Section 22.3, Code 2011, is amended to read as
7 26 follows:

7 27 22.3 Supervision ==== fees.

7 28 1. The examination and copying of public records shall
7 29 be done under the supervision of the lawful custodian of
7 30 the records or the custodian's authorized designee. The
7 31 lawful custodian shall not require the physical presence of
7 32 a person requesting or receiving a copy of a public record
7 33 and shall fulfill requests for a copy of a public record
7 34 received in writing, by telephone, or by electronic means.
7 35 Fulfillment of a request for a copy of a public record may be



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8 1 contingent upon receipt of payment of expenses to be incurred
8 2 in fulfilling the request and such estimated expenses shall
8 3 be communicated to the requester upon receipt of the request
8 4 who shall be responsible for payment of such expenses once the
8 5 requester authorizes the copy of the public record. The lawful
8 6 custodian may adopt and enforce reasonable rules regarding the
8 7 examination and copying of the records and the protection of
8 8 the records against damage or disorganization. The lawful
8 9 custodian shall provide a suitable place for the examination
8 10 and copying of the records, but if it is impracticable to do
8 11 the examination and copying of the records in the office of
8 12 the lawful custodian, the person desiring to examine or copy
8 13 shall pay any necessary expenses of providing a place for the
8 14 examination and copying.

8 15 2. All expenses of the examination and copying shall be
8 16 paid by the person desiring to examine or copy. The lawful
8 17 custodian may charge a reasonable fee for the services of
8 18 the lawful custodian or the custodian's authorized designee
8 19 in supervising the examination and copying of the records or
8 20 in reviewing the records for confidential information prior
8 21 to release. If the lawful custodian is an executive branch
8 22 agency, the lawful custodian shall provide such services at
8 23 no charge to a requester for up to three hours per month.

8 24 If copy equipment is available at the office of the lawful
8 25 custodian of any public records, the lawful custodian shall
8 26 provide any person a reasonable number of copies of any public
8 27 record in the custody of the office upon the payment of a
8 28 fee. The fee for the copying service as determined by the
8 29 lawful custodian shall not exceed the actual cost of providing
8 30 the service. Actual costs shall include only those expenses
8 31 directly attributable to supervising the examination of and
8 32 making and providing copies of public records. Actual costs
8 33 shall not include charges for ordinary expenses or costs such
8 34 as employment benefits, depreciation, maintenance, electricity,
8 35 or insurance associated with the administration of the office



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9 1 of the lawful custodian.

9 2 Sec. 14. Section 22.7, subsections 7 and 8, Code 2011, are
9 3 amended to read as follows:

9 4 7. Appraisals or appraisal information concerning the sale
9 5 or purchase of real or personal property for public purposes,
9 6 prior to ~~public announcement of a project~~ the execution of any
9 7 contract for such sale or purchase or the submission of the
9 8 appraisal to the property owner or other interest holders as
9 9 provided in section 6B.45.

9 10 8. ~~Iowa department of economic development information~~
9 11 Information on an industrial or commercial development prospect
9 12 with which the Iowa department of economic development or a
9 13 city is currently negotiating, prior to submission by the
9 14 department or the city of a proposal for financial assistance
9 15 or other incentives for the prospect for approval by the
9 16 director of the department or by the governing body of the
9 17 city.

9 18 Sec. 15. Section 22.7, subsection 10, Code 2011, is amended
9 19 by striking the subsection.

9 20 Sec. 16. Section 22.7, subsection 11, Code 2011, is amended
9 21 to read as follows:

9 22 11. a. Personal information in confidential personnel
9 23 records of public government bodies including but not limited
9 24 to cities, boards of supervisors and school districts. relating
9 25 to identified or identifiable individuals who are officials,
9 26 officers, or employees of the government bodies. However, the
9 27 following information relating to such individuals contained in
9 28 personnel records shall be public records:

9 29 (1) The name and compensation of the individual including
9 30 any written agreement establishing compensation or any other
9 31 terms of employment excluding any information otherwise
9 32 excludable from public information pursuant to this section or
9 33 any other applicable provision of law. For purposes of this
9 34 subparagraph, "compensation" means payment of, or agreement
9 35 to pay, any money, thing of value, or financial benefit



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10 1 conferred in return for labor or services rendered by an
10 2 officer, employee, or other person plus the value of benefits
10 3 including but not limited to casualty, disability, life, or
10 4 health insurance; other health or wellness benefits; vacation,
10 5 holiday, and sick leave; severance payments; retirement
10 6 benefits; and deferred compensation.

10 7 (2) The date the individual was employed by the government
10 8 body.

10 9 (3) The positions the individual holds or has held with the
10 10 government body.

10 11 (4) The educational institutions attended by the
10 12 individual, including any diplomas and degrees earned, and
10 13 the names of the individual's previous employers, positions
10 14 previously held, and dates of previous employment.

10 15 (5) Any final disciplinary action taken against the
10 16 individual that resulted in the individual's discharge.

10 17 b. Personal information in confidential personnel records of
10 18 government bodies relating to student employees shall only be
10 19 released pursuant to 20 U.S.C. { 1232g.

10 20 Sec. 17. Section 22.7, subsections 40, 43, and 48, Code
10 21 2011, are amended to read as follows:

10 22 40. The portion of a record request that contains an
10 23 internet protocol number ~~which identifies the computer from~~
~~10 24 which a person requests a record, whether the person using~~
~~10 25 such computer makes the request through the IowAccess network~~
~~10 26 or directly to a lawful custodian. However, such record may~~
~~10 27 be released with the express written consent of the person~~
~~10 28 requesting the record.~~

10 29 43. Information obtained by the commissioner of insurance
10 30 pursuant to section 502.607, subsection 2.

10 31 48. Sex offender registry records under chapter 692A,
~~10 32 except~~ shall only be released as provided in section 692A.121.

10 33 Sec. 18. Section 22.7, subsection 52, paragraphs a and c,
10 34 Code 2011, are amended to read as follows:

10 35 a. The following records relating to a charitable donation



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~~11 1 made to a foundation acting solely for the support of an
11 2 institution governed by the state board of regents, to a
11 3 foundation acting solely for the support of an institution
11 4 governed by chapter 260C, to a private foundation as defined
11 5 in section 509 of the Internal Revenue Code organized for the
11 6 support of a government body, or to an endow Iowa qualified
11 7 community foundation, as defined in section 15E.303, organized
11 8 for the support of a government body:~~

11 9 (1) Portions of records that disclose a donor's or
11 10 prospective donor's personal, financial, estate planning, or
11 11 gift planning matters.

11 12 (2) Records received from a donor or prospective donor
11 13 regarding such donor's prospective gift or pledge.

11 14 (3) Records containing information about a donor or a
11 15 prospective donor in regard to the appropriateness of the
11 16 solicitation and dollar amount of the gift or pledge.

11 17 (4) Portions of records that identify a prospective donor
11 18 and that provide information on the appropriateness of the
11 19 solicitation, the form of the gift or dollar amount requested
11 20 by the solicitor, and the name of the solicitor.

11 21 (5) Portions of records disclosing the identity of a donor
11 22 or prospective donor, including the specific form of gift
11 23 or pledge that could identify a donor or prospective donor,
11 24 directly or indirectly, when such donor has requested anonymity
11 25 in connection with the gift or pledge. This subparagraph does
11 26 not apply to a gift or pledge from a publicly held business
11 27 corporation.

11 28 c. Except as provided in paragraphs "a" and "b", portions
11 29 of records relating to the receipt, holding, and disbursement
11 30 of gifts made for the benefit of regents institutions and
11 31 made through foundations established for support of regents
11 32 institutions, including but not limited to written fund=raising
11 33 policies and documents evidencing fund=raising practices, shall
11 34 be subject to this chapter. Unless otherwise provided, the
11 35 lawful custodian of all records subject to this paragraph is



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12 1 the regents institution to be benefited by such gifts.
12 2 Sec. 19. Section 22.7, subsection 55, Code 2011, is amended
12 3 to read as follows:
12 4 55. An intelligence assessment and intelligence data under
12 5 chapter 692, ~~except~~ shall only be released as provided in
12 6 section 692.8A.
12 7 Sec. 20. Section 22.7, Code 2011, is amended by adding the
12 8 following new subsection:
12 9 NEW SUBSECTION. 66. Drafts, memoranda, or notes. Drafts,
12 10 memoranda, or notes in preliminary form. However, such
12 11 a record considered or used in the final formulation,
12 12 recommendation, adoption, or execution of any official
12 13 policy or action by a public official authorized to make such
12 14 decisions for the governmental body shall be available for
12 15 examination and copying at the time the record is distributed
12 16 to a majority of the government body for consideration or is
12 17 adopted or executed as the official policy or official action
12 18 of a government body.
12 19 Sec. 21. NEW SECTION. 22.7A Social security numbers in
12 20 public records.
12 21 1. To the greatest extent feasible, a government body shall
12 22 not disclose a person's social security number unless the
12 23 disclosure is authorized by law.
12 24 2. A government body shall make reasonable efforts to
12 25 exclude social security numbers from public records, as
12 26 follows:
12 27 a. Exclude social security numbers on licenses, permits, and
12 28 other documents that may be readily observed by the public.
12 29 b. Give individuals the option not to submit a social
12 30 security number to the government body unless submission of
12 31 the social security number is essential to the provision of
12 32 services by the government body or is required by law.
12 33 c. Make any other efforts to prevent social security numbers
12 34 from being included in public records and to protect such
12 35 numbers from disclosure.



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13 1 3. If a public record contains a social security number,
13 2 the government body shall, to the extent practicable, make
13 3 reasonable efforts to redact the social security number prior
13 4 to releasing the record if such redaction does not materially
13 5 affect the value of the public record and is permitted by law.
13 6 The redaction of a social security number from a public record
13 7 shall not delay public access to the public record except for
13 8 the time required to perform the actual redaction. As used in
13 9 this subsection, "redact" means to render the social security
13 10 number unreadable or truncated so that no more than the last
13 11 four digits of the social security number may be accessed as
13 12 part of the record.

13 13 4. A government body that solicits information containing
13 14 a person's social security number or that is the lawful
13 15 custodian of public records containing social security
13 16 numbers shall, if subject to chapter 17A, adopt rules or, if a
13 17 political subdivision or other public body, adopt guidelines to
13 18 administer the use and disclosure of social security numbers
13 19 consistent with this section.

13 20 Sec. 22. Section 22.10, subsection 3, paragraph b, Code
13 21 2011, is amended to read as follows:

13 22 b. Shall assess the persons who participated in its
13 23 violation damages in the amount of not more than five hundred
13 24 dollars ~~not~~ and not less than one hundred dollars. However, if
13 25 a member of a government body knowingly participated in such a
13 26 violation, damages shall be in the amount of not more than two
13 27 thousand five hundred dollars and not less than one thousand
13 28 dollars. These damages shall be paid by the court imposing
13 29 them to the state of Iowa if the body in question is a state
13 30 government body, or to the local government involved if the
13 31 body in question is a local government body. A person found to
13 32 have violated this chapter shall not be assessed such damages
13 33 if that person proves that the person ~~either voted~~ did any of
13 34 the following:

13 35 (1) Voted against the action violating this chapter,



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14 1 refused to participate in the action violating this chapter, or
14 2 engaged in reasonable efforts under the circumstances to resist
14 3 or prevent the action in violation of this chapter, ~~had.~~

14 4 (2) Had good reason to believe and in good faith believed
14 5 facts which, if true, would have indicated compliance with the
14 6 requirements of this chapter, ~~or reasonably.~~

14 7 (3) Reasonably relied upon a decision of a court ~~or an, a~~
14 8 formal opinion of the attorney general, or the attorney for the
14 9 government body, given in writing, or as memorialized in the
14 10 minutes of the meeting at which an oral opinion was given, or
14 11 an advisory opinion of the attorney general or the attorney for
14 12 the government body, given in writing.

14 13 Sec. 23. Section 22.10, subsection 5, Code 2011, is amended
14 14 by striking the subsection.

14 15 Sec. 24. Section 22.13, Code 2011, is amended to read as
14 16 follows:

14 17 22.13 Settlements ==== ~~governmental~~ government bodies.

14 18 1. A written summary of the terms of settlement, including
14 19 amounts of payments made to or through a claimant, or
14 20 other disposition of any claim for damages made against a
14 21 ~~governmental~~ government body or against an employee, officer,
14 22 or agent of a ~~governmental~~ government body, by an insurer
14 23 pursuant to a contract of liability insurance issued to
14 24 the ~~governmental~~ government body, shall be filed with the
14 25 ~~governmental~~ government body and shall be a public record.

14 26 2. A final binding settlement agreement between any
14 27 government body of this state or unit or official of such a
14 28 government body that resolves a legal dispute between such a
14 29 government body and another person or entity shall be filed
14 30 with the government body. For each such settlement agreement,
14 31 the government body shall prepare and file, together with the
14 32 settlement agreement, a brief summary indicating the identity
14 33 of the parties involved, the factual and legal nature of the
14 34 dispute, and the terms of the settlement. The settlement
14 35 agreement and summary shall be available for public inspection.



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15 1 Sec. 25. Section 22.14, subsection 3, Code 2011, is amended
15 2 to read as follows:

15 3 3. If a fiduciary or other third party with custody of
15 4 public investment transactions records fails to produce public
15 5 records within a reasonable period of time as requested by
15 6 the ~~public~~ government body, the ~~public~~ government body shall
15 7 make no new investments with or through the fiduciary or other
15 8 third party and shall not renew existing investments upon their
15 9 maturity with or through the fiduciary or other third party.
15 10 The fiduciary or other third party shall be liable for the
15 11 penalties imposed under ~~section 22.6~~ statute, common law, or
15 12 contract due to the acts or omissions of the fiduciary or other
15 13 third party ~~and any other remedies available under statute,~~
15 14 ~~common law, or contract.~~

15 15 Sec. 26. NEW SECTION. 22.15 Judicial branch ==== rules.

15 16 This chapter does not apply to government records owned,
15 17 created, possessed, or under the control of the judicial branch
15 18 related to the performance by the courts of their judicial
15 19 functions. The supreme court shall prescribe rules governing
15 20 access to such records consistent with the purposes of this
15 21 chapter.

15 22 Sec. 27. NEW SECTION. 23.1 Open meetings, public records,
15 23 and privacy advisory committee.

15 24 1. Committee established. An open meetings, public records,
15 25 and privacy advisory committee is established to serve as a
15 26 resource for public access to government information in light
15 27 of the policy of this state to provide as much public access to
15 28 government information and proceedings as is consistent with
15 29 the public interest and the need to protect individuals against
15 30 undue invasions of personal privacy.

15 31 2. Membership.

15 32 a. The advisory committee shall consist of seventeen members
15 33 including twelve voting members and five nonvoting members.

15 34 (1) The voting members shall be the following:

15 35 (a) One member representing municipal interests recommended



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16 1 by the Iowa league of cities, appointed by the governor.
16 2 (b) One member representing county or regional interests
16 3 recommended by the Iowa state association of counties,
16 4 appointed by the governor.
16 5 (c) One member representing educational interests jointly
16 6 recommended by the Iowa association of school boards, the Iowa
16 7 association of community college trustees, and the state board
16 8 of regents, appointed by the governor.
16 9 (d) One member representing freedom of information advocacy
16 10 group interests recommended by the Iowa freedom of information
16 11 council, appointed by the governor.
16 12 (e) One member representing newspaper interests recommended
16 13 by the Iowa newspaper association, appointed by the governor.
16 14 (f) One member representing broadcasting interests
16 15 recommended by the Iowa broadcasters association, appointed by
16 16 the governor.
16 17 (g) Three public members, appointed by the governor.
16 18 (h) The attorney general or the attorney general's
16 19 designee.
16 20 (i) The citizens' aide or the citizens' aide's designee.
16 21 (j) The director of the department of cultural affairs or
16 22 the director's designee.
16 23 (2) The nonvoting members of the advisory committee shall
16 24 be a representative from the department of administrative
16 25 services with expertise in electronic records, two state
16 26 representatives, one appointed by the speaker of the house of
16 27 representatives and one appointed by the minority leader of the
16 28 house of representatives, and two state senators, one appointed
16 29 by the majority leader of the senate and one appointed by the
16 30 minority leader of the senate.
16 31 b. A majority of the advisory committee members shall
16 32 constitute a quorum.
16 33 3. Duties. The advisory committee shall:
16 34 a. Serve as the central coordinator of information about
16 35 the public's right to access government information and



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17 1 proceedings. The advisory committee shall provide basic
17 2 information about the requirements of chapters 21 and 22 and
17 3 other relevant freedom of information laws and shall also
17 4 provide information about best practices for state and local
17 5 governments to comply with and to enforce such laws.
17 6 b. Serve as a resource to support the establishment and
17 7 maintenance of a central publicly accessible internet site
17 8 that provides specific guidance to members of the public about
17 9 utilizing the relevant law to be better informed and active
17 10 participants in open government.
17 11 c. Make training opportunities available to lawful
17 12 custodians, government bodies, governmental bodies, and other
17 13 persons subject to the requirements of chapters 21 and 22 and
17 14 require all newly employed persons who have responsibilities in
17 15 relation to chapters 21 and 22 to receive training upon initial
17 16 employment and to require all employees to receive annual
17 17 training thereafter approved by the advisory committee.
17 18 d. Make recommendations to the governor and the general
17 19 assembly by proposing legislation relating to issues involving
17 20 public access to meetings of a governmental body and to records
17 21 of a government body including but not limited to the following
17 22 issues:
17 23 (1) The categorization of government records.
17 24 (2) Public employment applications.
17 25 (3) Information unduly invading personal privacy including
17 26 personal information on mailing lists and opt-in provisions
17 27 relating to such lists.
17 28 (4) Serial meetings of less than a majority of a
17 29 governmental body.
17 30 (5) Definitions of what constitutes a governmental body for
17 31 purposes of chapter 21 and what constitutes a government body
17 32 for purposes of chapter 22.
17 33 e. Aid the general assembly in evaluating the impact of
17 34 legislation affecting public access to government information.
17 35 f. Conduct public hearings, conferences, workshops, and



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18 1 other meetings as necessary to address problems and suggest
18 2 solutions concerning access to government information and
18 3 proceedings.
18 4 g. Review the collection, maintenance, and use of government
18 5 records by lawful custodians to ensure that confidential
18 6 records and information are handled to adequately protect
18 7 personal privacy interests.
18 8 4. Meetings. The advisory committee shall elect a
18 9 chairperson and vice chairperson. The committee shall meet at
18 10 least three times per year but may meet as often as necessary.
18 11 At least one of the meetings shall be held during the regular
18 12 legislative session. Meetings may be called by the chairperson
18 13 or at the request of four members. The advisory committee is
18 14 subject to the open meetings requirements of chapter 21.
18 15 5. Expenses or compensation.
18 16 a. A member of the general assembly shall be paid, in
18 17 accordance with section 2.10, per diem and necessary travel and
18 18 actual expenses incurred in attending meetings of the advisory
18 19 committee.
18 20 b. Public members appointed by the governor shall receive
18 21 reimbursement for actual and necessary expenses incurred while
18 22 serving in their official capacity.
18 23 6. Funding. The advisory committee may seek grants,
18 24 appropriations, and outside funding to fund the costs of
18 25 public hearings, conferences, workshops, and other activities
18 26 of the committee. Contributions to support the work of the
18 27 committee shall not be accepted from a political party with a
18 28 pecuniary or other vested interest in the outcome of the issues
18 29 considered by the committee.
18 30 7. Staffing. The legislative services agency shall provide
18 31 staffing and administrative support for the advisory committee.
18 32 In addition, the committee may contract for administrative,
18 33 professional, and clerical services subject to the availability
18 34 of funding.
18 35 8. Report. The advisory committee shall conduct an



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19 1 evaluation of the effectiveness of the enforcement provisions
19 2 in chapters 21 and 22, including an evaluation of the manner
19 3 in which complaints are handled by the citizens' aide, the
19 4 appropriate county attorney, and the attorney general, and
19 5 shall submit a report of its findings and recommendations
19 6 including a recommendation relating to the need to establish a
19 7 separate enforcement agency, if necessary, to the governor and
19 8 the general assembly no later than January 10, 2012.

19 9 Sec. 28. Section 455K.4, subsection 4, Code 2011, is amended
19 10 to read as follows:

19 11 4. Information that is disclosed under subsection 2,
19 12 paragraph "b", is confidential and is not subject to disclosure
19 13 under chapter 22. ~~A governmental entity, governmental~~
~~19 14 employee, or governmental official who discloses information in~~
~~19 15 violation of this subsection is subject to the penalty provided~~
~~19 16 in section 22.6.~~

19 17 Sec. 29. REPEAL. Section 22.6, Code 2011, is repealed.

19 18 Sec. 30. APPOINTMENTS TO OPEN MEETINGS, PUBLIC RECORDS,
19 19 AND PRIVACY ADVISORY COMMITTEE. The recommending entities
19 20 for appointments to the open meetings, public records, and
19 21 privacy advisory committee shall consult with one another prior
19 22 to submitting final recommendations to the governor to avoid
19 23 violations of sections 69.16 and 69.16A.

19 24 EXPLANATION

19 25 This bill relates to Iowa's Open Meetings Law (Code chapter
19 26 21) and Iowa's Open Records Law (Code chapter 22) and creates
19 27 the open meetings, public records, and privacy advisory
19 28 committee.

19 29 MEETINGS. The bill provides that except as otherwise
19 30 provided, a reconvened meeting of a governmental body is also
19 31 subject to the meeting notice requirements pursuant to Code
19 32 section 21.4. This requirement does not apply to a meeting of
19 33 a governmental body that is reconvened within four hours of the
19 34 start of its recess, where an announcement of the time, date,
19 35 and place of the reconvened meeting is made at the original



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20 1 meeting in open session and recorded in the minutes of the
20 2 meeting and there is no change in the agenda. The notice
20 3 requirement also does not apply to a meeting held by a formally
20 4 constituted subunit of a parent governmental body during a
20 5 lawful meeting of the parent governmental body or during a
20 6 recess in that meeting of up to four hours, or a meeting of
20 7 that subunit immediately following the meeting of the parent
20 8 governmental body, if the meeting of the subunit is publicly
20 9 announced in open session at the parent meeting and the subject
20 10 of the meeting reasonably coincides with the subjects discussed
20 11 or acted upon by the parent governmental body. The bill also
20 12 changes all references relating to "tape" recordings of closed
20 13 meetings to "audio" recordings.

20 14 CIVIL AND CRIMINAL PENALTY PROVISIONS. The bill increases
20 15 the civil penalty damage amounts for violations of the open
20 16 meetings and public records laws for each member of the
20 17 governmental body or each person who knowingly participated in
20 18 the violation from not less than \$100 and not more than \$500 to
20 19 not less than \$1,000 and not more than \$2,500 subject to the
20 20 existing defenses contained in Code sections 21.6 and 22.10.
20 21 The bill retains the current civil penalty damage amounts for
20 22 such violations for each member of the governmental body or
20 23 each person who participated in the violation (\$100 to \$500).

20 24 The bill repeals the criminal penalty provision for knowing
20 25 violations or attempts to violate any provisions of the public
20 26 records law.

20 27 OPEN RECORDS ==== CHAPTER PURPOSE. The bill provides that
20 28 it is the intent of the general assembly to provide access
20 29 to governmental information as an essential function of
20 30 government, balance transparency in government with the need
20 31 to protect personal privacy, recognize barriers that exist
20 32 that impede public access to governmental information, and
20 33 ensure and facilitate the public's right to access government
20 34 information.

20 35 RECORDS REQUESTS ==== TIME LIMITS. The bill provides that



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21 1 upon receipt of an oral or written request to examine or copy
21 2 a public record, the lawful custodian shall, if feasible in
21 3 the ordinary course of business, permit such examination or
21 4 copying at the time of the request. If it is not feasible
21 5 in the ordinary course of business to permit examination or
21 6 copying of the public record at the time of the request, the
21 7 lawful custodian shall immediately notify the requester, orally
21 8 or in writing, when such examination or copying may take place
21 9 which shall be no later than five business days from the time
21 10 of the request unless there is good cause for further delay.
21 11 If further delay is necessary because of good cause, the lawful
21 12 custodian shall provide the requester with a written statement
21 13 detailing the reason or reasons for the delay and the date by
21 14 which the request will be satisfied. If the lawful custodian
21 15 is in doubt as to whether the record requested is a public
21 16 record or whether the requester should be permitted to examine
21 17 or copy a record specified in Code section 22.7, the lawful
21 18 custodian shall make that determination within 10 business days
21 19 from the date of the request unless further delay is necessary.
21 20 Examination or copying of the record shall be allowed within
21 21 five business days from the date the lawful custodian makes
21 22 the decision to permit examination or copying of the record
21 23 unless there is good cause for further delay in fulfilling the
21 24 request. If the lawful custodian denies a request to examine
21 25 or copy a record, the custodian must provide the requester at
21 26 the time of the denial a written statement denying the request
21 27 and detailing the specific reason or reasons for the denial.
21 28 If the lawful custodian does not fulfill a request to examine
21 29 or copy a public record within the time frames prescribed, the
21 30 request shall be deemed denied and the requester may file a
21 31 lawsuit against the lawful custodian pursuant to Code section
21 32 22.10.
21 33 RECORD FEES. The bill provides that a person who requests
21 34 a copy of a public record shall be responsible for payment of
21 35 expenses incurred by the government body in fulfilling the



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22 1 public records request. In addition, an executive branch
22 2 agency shall provide services relating to supervising the
22 3 examination and copying of requested records or reviewing such
22 4 records prior to release at no charge to a requestor for up to
22 5 three hours per month.

22 6 APPRAISAL INFORMATION. The bill provides that appraisal
22 7 information concerning the sale or purchase of property for
22 8 public purposes, prior to the execution of any contract for
22 9 such sale or purchase or the submission of the appraisal to
22 10 the property owner or other interested persons, shall be
22 11 confidential, under Code section 22.7.

22 12 INDUSTRIAL OR COMMERCIAL DEVELOPMENT. The bill provides
22 13 that information on an industrial or commercial development
22 14 prospect with which the department of economic development or
22 15 a city is negotiating, prior to submission of the information
22 16 by the department or the city of a proposal for financial
22 17 assistance or other incentives for the prospect for approval by
22 18 the director of the department or by the governing body of the
22 19 city shall be confidential under Code section 22.7.

22 20 PERSONAL INFORMATION IN CONFIDENTIAL PERSONNEL RECORDS.
22 21 The bill provides that personal information in confidential
22 22 personnel records of public government bodies relating to
22 23 identified or identifiable individuals who are officials,
22 24 officers, or employees of the government bodies shall be
22 25 confidential records under Code section 22.7. However, the
22 26 name and compensation of the individual including any written
22 27 agreement establishing compensation or any other terms of
22 28 employment excluding any information otherwise excludable from
22 29 public information, the date the individual was employed by the
22 30 government body, the positions the individual holds or has held
22 31 with the government body, the educational institutions attended
22 32 by the individual, including any diplomas and degrees earned,
22 33 and the names of the individual's previous employers, positions
22 34 previously held, and dates of previous employment, and final
22 35 disciplinary action taken against the individual that resulted



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23 1 in the individual's discharge are all public records.
23 2 The bill provides that personal information in confidential
23 3 personnel records of government bodies relating to student
23 4 employees shall only be released pursuant to federal law.
23 5 INTERNET PROTOCOL NUMBERS. The bill provides that the
23 6 portion of a record request that contains an internet protocol
23 7 number shall be confidential under Code section 22.7.
23 8 CHARITABLE DONATION RECORDS. The bill provides that certain
23 9 records relating to a charitable donation are confidential
23 10 records under Code section 22.7, and unless otherwise provided,
23 11 the lawful custodian of all such records is the regents
23 12 institution to be benefited by such gifts.
23 13 PRELIMINARY DRAFTS, MEMORANDA, OR NOTES. The bill
23 14 provides that preliminary drafts, memoranda, or notes shall
23 15 be confidential records under Code section 22.7, however,
23 16 such a record considered or used in the final formulation,
23 17 recommendation, adoption, or execution of any official
23 18 policy or action by a public official authorized to make such
23 19 decisions for the governmental body shall be available for
23 20 examination and copying at the time the record is distributed
23 21 to a majority of the government body for consideration or is
23 22 adopted or executed as the official policy or official action
23 23 of a government body.
23 24 SOCIAL SECURITY NUMBERS IN PUBLIC RECORDS. The bill
23 25 provides that a government body shall not disclose a person's
23 26 social security number unless the disclosure is authorized by
23 27 law and a government body shall make reasonable efforts to
23 28 exclude social security numbers from licenses, permits, and
23 29 other documents that may be readily observed by the public,
23 30 give individuals the option not to submit a social security
23 31 number to the government body unless submission of the social
23 32 security number is essential to the provision of services by
23 33 the government body or is required by law, and make any other
23 34 efforts to prevent social security numbers from being included
23 35 in public records and to protect such numbers from disclosure.



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House File 625 - Introduced continued

24 1 In addition, if a public record contains a social security
24 2 number, the bill requires a government body to, to the extent
24 3 practicable, make reasonable efforts to redact the social
24 4 security number prior to releasing the record if such redaction
24 5 does not materially affect the value of the public record and
24 6 is permitted by law. The bill requires a government body or a
24 7 political subdivision that solicits information containing a
24 8 person's social security number or that is the lawful custodian
24 9 of public records containing social security numbers to adopt
24 10 rules or guidelines to administer the use and disclosure of
24 11 social security numbers consistent with the bill.

24 12 SETTLEMENT AGREEMENTS. The bill provides that a final
24 13 binding settlement agreement between a government body that
24 14 resolves a legal dispute between such government body and
24 15 another person or entity shall be filed with the government
24 16 body. The government body is required to prepare and file, for
24 17 each settlement agreement, a summary indicating the identity
24 18 of the parties, the factual and legal nature of the dispute,
24 19 and the terms of the settlement. The settlement agreement and
24 20 summary are public records.

24 21 JUDICIAL BRANCH RECORDS. The bill provides that Code
24 22 chapter 22 does not apply to government records owned, created,
24 23 possessed, or under the control of the judicial branch related
24 24 to the performance by the courts of their judicial functions.

24 25 OPEN MEETINGS, PUBLIC RECORDS, AND PRIVACY ADVISORY
24 26 COMMITTEE. The bill establishes an open meetings, public
24 27 records, and privacy advisory committee to serve as a resource
24 28 for public access to government information to consist of
24 29 17 members including members from various interest groups,
24 30 three public members, the attorney general, the citizens'
24 31 aide, the director of the department of cultural affairs,
24 32 a representative from the department of administrative
24 33 services with expertise in electronic records, two state
24 34 representatives, and two state senators. The committee
24 35 shall serve as the central coordinator of information



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House File 625 - Introduced continued

25 1 about the public's right to access government information
25 2 and proceedings, shall serve as a resource to support the
25 3 establishment and maintenance of a central publicly accessible
25 4 internet site that provides specific guidance to members of the
25 5 public about utilizing the relevant law to be better informed
25 6 and active participants in open government, shall make training
25 7 opportunities available, shall make recommendations to the
25 8 governor and the general assembly by proposing legislation
25 9 relating to issues involving public access to meetings of
25 10 a governmental body and to records of a government body,
25 11 shall advise the general assembly in evaluating the impact of
25 12 legislation affecting public access to government information,
25 13 shall conduct public hearings, conferences, and workshops, and
25 14 shall review the collection, maintenance, and use of government
25 15 records by lawful custodians to ensure that confidential
25 16 records and information are handled to adequately protect
25 17 personal privacy interests.

25 18 The bill provides that the advisory committee may seek
25 19 grants, appropriations, and outside funding to fund the
25 20 costs of public hearings, conferences, workshops, and other
25 21 activities of the committee, and that contributions shall
25 22 not be accepted from a political party with a pecuniary or
25 23 other vested interest in the outcome of the issues considered
25 24 by the committee. The legislative services agency shall
25 25 provide staffing and administrative support for the advisory
25 26 committee. The advisory committee shall conduct an evaluation
25 27 of the effectiveness of the enforcement provisions in Code
25 28 chapters 21 and 22 and shall submit a report of its findings
25 29 and recommendations including a recommendation relating to the
25 30 need to establish a separate enforcement agency, if necessary,
25 31 to the governor and the general assembly no later than January
25 32 10, 2012.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 626 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 83)

A BILL FOR

1 An Act relating to county and state responsibilities for mental
2 health, mental retardation, and developmental disabilities
3 services for adults and children, making appropriations, and
4 including effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2002HV (2) 84

jp/rj



**Iowa General Assembly
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House File 626 - Introduced continued

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1 1 Section 1. MENTAL HEALTH AND DISABILITY SERVICE SYSTEM
1 2 REFORM.
1 3 1. The general assembly finds there is need to reform the
1 4 mental health and disability services systems administered
1 5 by counties and the state to address the needs of adults
1 6 and children with mental illness, mental retardation, or
1 7 developmental disabilities. Issues with the current systems
1 8 include the following:
1 9 a. Lack of a set of core services uniformly available
1 10 throughout the state.
1 11 b. Lack of uniformity in service expenditures throughout
1 12 the state.
1 13 c. Disparity in county levy rates for the adult services
1 14 system.
1 15 d. The need to improve the array of community-based services
1 16 and services to avoid the use or continued use of crisis
1 17 services.
1 18 e. The need to expand the availability of dual diagnosis
1 19 mental health and substance abuse services.
1 20 f. The need to improve the consistency of services available
1 21 to both youth and adult populations.
1 22 g. The need to coordinate the services systems for
1 23 addressing the needs of children and youth with severe
1 24 emotional disturbances, mental illness, mental retardation,
1 25 developmental disabilities, and substance abuse problems among
1 26 state and local education, health, and human services agencies.
1 27 h. The need to address the medical assistance (Medicaid)
1 28 program changes in the federal Patient Protection and
1 29 Affordable Care Act, Pub. L. No. 111-148, that will greatly
1 30 expand the program's eligibility for persons in the services
1 31 systems beginning in calendar year 2014.
1 32 i. Dissatisfaction with using county of legal settlement
1 33 determinations to determine county and state financial
1 34 responsibility for adult services.
1 35 2. It is the intent of the general assembly to consider and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 626 - Introduced continued

2 1 enact legislation to do all of the following:
2 2 a. Phase in the full assumption by the state of the
2 3 nonfederal share of the costs for Medicaid program services
2 4 for adults now borne by counties by the implementation date
2 5 of the Medicaid eligibility changes under the federal Patient
2 6 Protection and Affordable Care Act.
2 7 b. Provide property tax relief and equity by having the
2 8 state incrementally assume a greater role in funding the adult
2 9 mental health and disability services system from counties when
2 10 the repeals contained in this Act take effect.
2 11 c. Shift the balance of responsibilities for the adult
2 12 services system between the state and counties so that the
2 13 state ensures greater uniformity and there is sufficient
2 14 size to develop effective services while maintaining local
2 15 involvement that brings resources together in unique ways that
2 16 best meet the needs of clients.
2 17 d. Provide options for maintaining and enhancing local
2 18 entry points for admission into the services system for adults.
2 19 e. Engage the state and local government agencies involved
2 20 with addressing the needs of children and youth with severe
2 21 emotional disturbances, mental illness, mental retardation,
2 22 developmental disabilities, and substance abuse problems in
2 23 developing a coordinated system to meet those needs.
2 24 f. Consolidate provider reimbursement rate setting and
2 25 provider selection authority.
2 26 g. Review the Code chapters relevant to the services systems
2 27 and propose amendments for implementation of the reforms
2 28 recommended by the committee.
2 29 h. Incorporate opportunities for implementing efficiencies,
2 30 providing access to services at more levels, enhancing
2 31 public-private partnerships, allowing options for local
2 32 investments, and emphasizing the use of research-based methods
2 33 and identified best practices.
2 34 i. Establish a state fund to collect cost savings realized
2 35 from efficiencies and dedicate such moneys for use in expanding



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House File 626 - Introduced continued

3 1 community capacity to provide services.
3 2 j. Create a state=county transition committee to address
3 3 implementation of the legislation. The membership of the
3 4 committee may include designees of the department of human
3 5 services, the Iowa state association of counties, and service
3 6 providers, consumers, and advocates. In addition, the
3 7 membership may include members of the general assembly, serving
3 8 as ex officio, nonvoting members.
3 9 k. Implement other provisions to reform and improve the
3 10 services systems for adults and children.
3 11 Sec. 2. Section 331.424A, Code 2011, is amended by adding
3 12 the following new subsection:
3 13 NEW SUBSECTION. 6. This section is repealed July 1, 2012.
3 14 Sec. 3. Section 331.438, Code 2011, is amended by adding the
3 15 following new subsection:
3 16 NEW SUBSECTION. 5. This section is repealed July 1, 2012.
3 17 Sec. 4. Section 331.439, Code 2011, is amended by adding the
3 18 following new subsection:
3 19 NEW SUBSECTION. 10. This section is repealed July 1, 2012.
3 20 Sec. 5. Section 331.440, Code 2011, is amended by adding the
3 21 following new subsection:
3 22 NEW SUBSECTION. 7. This section is repealed July 1, 2012.
3 23 Sec. 6. NEW SECTION. 426B.6 Future repeal.
3 24 This chapter is repealed July 1, 2012.
3 25 Sec. 7. CONFORMING PROVISIONS. The legislative services
3 26 agency shall prepare a study bill for consideration by the
3 27 committees on human resources of the senate and house of
3 28 representatives for the 2012 legislative session, providing
3 29 conforming Code changes for implementation of the repeal
3 30 provisions contained in this Act.
3 31 Sec. 8. IMPLEMENTATION. There is appropriated from the
3 32 general fund of the state to the department of human services
3 33 for the fiscal year beginning July 1, 2011, and ending June 30,
3 34 2012, the following amount, or so much thereof as is necessary,
3 35 to be used for the purposes designated:



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Daily Bills, Amendments & Study Bills**

House File 626 - Introduced continued

4 1 For costs associated with implementation of this Act:
4 2 \$ 1,000,000
4 3 Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
4 4 immediate importance, takes effect upon enactment.
4 5 EXPLANATION
4 6 This bill relates to county and state responsibilities
4 7 for mental health, mental retardation, and developmental
4 8 disabilities (MH/MR/DD) services for adults and children.
4 9 Legislative findings are stated in a temporary law
4 10 section addressing reform of the systems for such services.
4 11 Legislative intent is stated to consider and enact legislation
4 12 to implement various system reform provisions outlined in the
4 13 bill.
4 14 The following Code provisions are repealed on July 1, 2012:
4 15 Code section 331.424A, establishing county MH/MR/DD services
4 16 funds and authorizing levies for the funds; Code section
4 17 331.438, outlining requirements for county MH/MR/DD services
4 18 expenditures and joint state=county planning, implementing,
4 19 and funding; Code section 331.439, requiring county management
4 20 plans and other provisions regarding county eligibility for
4 21 state property tax relief and allowed growth funding; Code
4 22 section 331.440, providing for creation of the county central
4 23 point of coordination process and county management of state
4 24 case services; and Code chapter 426B, relating to property tax
4 25 relief funding for the county=administered services, risk pool
4 26 funding, and related provisions.
4 27 The legislative services agency is directed to prepare
4 28 legislation to conform other Code provisions to the repeals
4 29 contained in the bill.
4 30 An appropriation is provided to the department of human
4 31 services for implementation costs.
4 32 The bill takes effect upon enactment.

LSB 2002HV (2) 84

jp/rj



**Iowa General Assembly
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House File 627 - Introduced

HOUSE FILE

BY THEDE, STECKMAN,
WITTNEBEN, H. MILLER,
HANSON, KELLEY,
LENSING, WOLFE,
GASKILL, ABDUL=SAMAD,
MASCHER, HEDDENS,
HALL, KEARNS, THOMAS,
PETERSEN, LOFGREN,
MUHLBAUER, MURPHY,
WINCKLER, BALTIMORE,
and BRANDENBURG

A BILL FOR

1 An Act relating to termination of parental rights and
2 identification information and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2552HH (4) 84
jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 627 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.2, subsection 4, paragraph f,
1 2 subparagraph (7), Code 2011, is amended to read as follows:
1 3 (7) Provision for the department or a designee of the
1 4 department on or before the date the child reaches age eighteen
1 5 or upon entry of an order under this chapter for termination of
1 6 parental rights to provide to the child a certified copy of the
1 7 child's birth certificate and to facilitate securing a federal
1 8 social security card. The fee for the certified copy that is
1 9 otherwise chargeable under section 144.13A, 144.46, or 331.605
1 10 shall be waived by the state or county registrar.

1 11 Sec. 2. Section 715A.8, Code 2011, is amended by adding the
1 12 following new subsection:

1 13 NEW SUBSECTION. 9. A person whose parental rights with
1 14 respect to a child have been terminated under section 232.117
1 15 who at any time fraudulently uses or attempts to fraudulently
1 16 use the child's identification information with the intent to
1 17 obtain credit, property, services, or other benefit, commits
1 18 the offense of identity theft.

1 19 EXPLANATION

1 20 This bill relates to termination of parental rights and
1 21 identification information by requiring certain identity
1 22 documents to be provided to children upon entry of a court
1 23 order for termination of parental rights and establishing an
1 24 identity theft crime for persons whose parental rights have
1 25 been terminated.

1 26 The identity documents requirement is inserted as part of
1 27 the definition of "case permanency plan" in Code section 232.2,
1 28 that is required by federal law and applicable to children in
1 29 a court-ordered out-of-home placement. Under current law,
1 30 on or before a child in such a placement reaches age 18,
1 31 the department of human services or a departmental designee
1 32 is required to provide to the child a certified copy of the
1 33 child's birth certificate and to facilitate securing a federal
1 34 social security card.

1 35 Code section 715A.8, relating to the crime of identity



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House File 627 - Introduced continued

2 1 theft, is amended to provide that a person whose parental
2 2 rights with respect to a child have been terminated under Code
2 3 section 232.117 who at any time fraudulently uses or attempts
2 4 to fraudulently use the child's identification information
2 5 with the intent to obtain credit, property, services, or other
2 6 benefit, commits the offense of identity theft. This crime
2 7 is an unlawful practice under Code section 714.16, relating
2 8 to consumer frauds, and may be punished with civil penalties
2 9 ordered by the court. The victim of the identity theft may
2 10 also bring a civil action under Code section 714.16B for
2 11 damages, recovery of costs, and punitive damages.

LSB 2552HH (4) 84

jp/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 628 - Introduced

HOUSE FILE
BY DE BOEF

A BILL FOR

1 An Act eliminating certain specific statutory limits on wage
2 garnishments.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1071YH (2) 84
rh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 628 - Introduced continued

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1 1 Section 1. Section 537.5105, subsection 2, paragraph a,
1 2 Code 2011, is amended to read as follows:
1 3 a. ~~In addition to the provisions of section 642.21, the~~
~~1 4 The maximum part of the aggregate disposable earnings of an~~
1 5 individual for any workweek which is subjected to garnishment
1 6 to enforce payment of a judgment arising from a consumer credit
1 7 transaction may not exceed the lesser of twenty-five percent
1 8 of the individual's disposable earnings for that week, or
1 9 the amount by which the individual's disposable earnings for
1 10 that week exceed forty times the federal minimum hourly wage
1 11 prescribed by the Fair Labor Standards Act of 1938, 29 U.S.C. {
1 12 206(a)(1), in effect at the time the earnings are payable.
1 13 Sec. 2. Section 642.21, subsection 1, Code 2011, is amended
1 14 to read as follows:
1 15 1. The disposable earnings of an individual are exempt from
1 16 garnishment to the extent provided by the federal Consumer
1 17 Credit Protection Act, Title III, 15 U.S.C. { 1671 = 1677
1 18 (1982). ~~The maximum amount of an employee's earnings which~~
~~1 19 may be garnished during any one calendar year is two hundred~~
~~1 20 fifty dollars for each judgment creditor, except as provided~~
~~1 21 in chapter 252D and sections 598.22, 598.23, and 627.12, or~~
~~1 22 when those earnings are reasonably expected to be in excess of~~
~~1 23 twelve thousand dollars for that calendar year as determined~~
~~1 24 from the answers taken by the sheriff or by the court pursuant~~
~~1 25 to section 642.5, subsection 4. When the employee's earnings~~
~~1 26 are reasonably expected to be more than twelve thousand dollars~~
~~1 27 the maximum amount of those earnings which may be garnished~~
~~1 28 during a calendar year for each creditor is as follows:~~
1 29 a. ~~Employees with expected earnings of twelve thousand~~
~~1 30 dollars or more, but less than sixteen thousand dollars, not~~
~~1 31 more than four hundred dollars may be garnished.~~
1 32 b. ~~Employees with expected earnings of sixteen thousand~~
~~1 33 dollars or more, but less than twenty-four thousand dollars,~~
~~1 34 not more than eight hundred dollars may be garnished.~~
1 35 c. ~~Employees with expected earnings of twenty-four thousand~~



Iowa General Assembly
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~~House File 628 - Introduced continued~~

~~2 1 dollars or more, but less than thirty-five thousand dollars,
2 2 not more than one thousand five hundred dollars may be
2 3 garnished.~~

~~2 4 d. Employees with expected earnings of thirty-five thousand
2 5 dollars or more, but less than fifty thousand dollars, not more
2 6 than two thousand dollars may be garnished.~~

~~2 7 e. Employees with expected earnings of fifty thousand
2 8 dollars or more, not more than ten percent of an employee's
2 9 expected earnings.~~

2 10 Sec. 3. Section 642.22, subsection 1, paragraph a, Code
2 11 2011, is amended by striking the paragraph.

2 12 EXPLANATION

2 13 Under Code section 642.21, an employee's disposable earnings
2 14 are exempt from garnishment to the extent provided by the
2 15 federal Consumer Credit Protection Act. Code section 642.21
2 16 also contains maximum dollar amounts that may be garnished
2 17 during any one calendar year. This bill eliminates these
2 18 statutory limits.

LSB 1071YH (2) 84

rh/nh



**Iowa General Assembly
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House File 629 - Introduced

HOUSE FILE
BY PEARSON

A BILL FOR

1 An Act relating to unlawful aliens and law enforcement and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSE 1435YH (7) 84
je/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 629 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 80.41 Unlawful alien enforcement
1 2 fund.
1 3 1. An unlawful alien enforcement fund is created in the
1 4 state treasury under the control of the department, subject to
1 5 appropriation by the general assembly. The fund shall consist
1 6 of civil penalties collected and deposited into the fund under
1 7 section 823.7, fines collected and deposited into the fund
1 8 under section 734.5, and moneys appropriated by the general
1 9 assembly to the fund. Moneys in the fund shall be used by the
1 10 department for enforcement of laws relating to unlawful aliens
1 11 and for incarceration costs for unlawful aliens.
1 12 2. Notwithstanding section 12C.7, subsection 2, interest or
1 13 earnings on moneys credited to the unlawful alien enforcement
1 14 fund shall be credited to the unlawful alien enforcement fund.
1 15 Notwithstanding section 8.33, moneys credited to the unlawful
1 16 alien enforcement fund at the end of a fiscal year shall not
1 17 revert to any other fund but shall remain in the fund for
1 18 purposes of the fund.
1 19 Sec. 2. NEW SECTION. 93.1 Definitions.
1 20 As used in this chapter, unless the context otherwise
1 21 requires:
1 22 1. "Agency" means an agency, department, board, or
1 23 commission of this state or a political subdivision that issues
1 24 a license for purposes of operating a business in this state.
1 25 2. "Economic development incentive" means a grant, loan, or
1 26 performance-based incentive awarded by a government entity of
1 27 this state. "Economic development incentive" does not include a
1 28 tax credit or tax incentive program.
1 29 3. "Employ" means hiring or continuing to employ an
1 30 individual to perform services.
1 31 4. "Employee" means an individual who provides services
1 32 or labor for an employer in this state for wages or other
1 33 remuneration. "Employee" does not include an independent
1 34 contractor.
1 35 5. "Employer" means a person that transacts business in



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House File 629 - Introduced continued

2 1 this state, that has a license issued by an agency in this
2 2 state, and that employs one or more employees in this state.
2 3 "Employer" includes this state, a political subdivision of
2 4 this state, and a self-employed individual. In the case of
2 5 an independent contractor, "employer" means the independent
2 6 contractor and does not mean the person or organization that
2 7 uses the contract labor.
2 8 6. "E=verify program" means the employment verification
2 9 pilot program as jointly administered by the United States
2 10 department of homeland security and the United States social
2 11 security administration or any successor program.
2 12 7. "Government entity" means this state or a political
2 13 subdivision of this state that receives and uses tax revenues.
2 14 8. "Independent contractor" means a person that carries on
2 15 an independent business, that contracts to do a piece of work
2 16 according to the person's own means and methods and that is
2 17 subject to control only as to results. Whether a person is an
2 18 independent contractor is determined on a case-by-case basis
2 19 through various factors, including whether the person does any
2 20 of the following:
2 21 a. Supplies tools or materials.
2 22 b. Makes services available to the general public.
2 23 c. Works or may work for a number of clients at the same
2 24 time.
2 25 d. Has an opportunity for profit or loss as a result of
2 26 labor or service provided.
2 27 e. Invests in the facilities for work.
2 28 f. Directs the order or sequence in which the work is
2 29 completed.
2 30 g. Determines the hours when the work is completed.
2 31 9. "Knowingly employ an unauthorized alien" means the
2 32 actions described in 8 U.S.C. { 1324a, and shall be interpreted
2 33 consistently with 8 U.S.C. { 1324a and any applicable federal
2 34 regulations.
2 35 10. "License" means an agency permit, certificate, approval,



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3 1 registration, charter, or similar form of authorization, other
3 2 than a professional license, that is required by law and that
3 3 is issued by an agency for the purposes of operating a business
3 4 in this state, including by a foreign corporation.

3 5 11. "Social security number verification service" means
3 6 the program administered by the United States social security
3 7 administration or any successor program.

3 8 12. "Unauthorized alien" means an alien who does not have
3 9 the legal right or authorization under federal law to work in
3 10 the United States as described in 8 U.S.C. { 1324a(h) (3) .

3 11 Sec. 3. NEW SECTION. 93.2 Knowingly or intentionally
3 12 employing unauthorized aliens.

3 13 1. Knowingly or intentionally employing unauthorized aliens
3 14 prohibited. An employer shall not knowingly or intentionally
3 15 employ an unauthorized alien. If an employer uses a contract,
3 16 subcontract, or other independent contractor agreement to
3 17 obtain the labor of an alien in this state, and the employer
3 18 knowingly or intentionally contracts with an unauthorized
3 19 alien or with a person who employs or contracts with an
3 20 unauthorized alien to perform the labor, the employer violates
3 21 this subsection.

3 22 2. Complaints. a. The attorney general shall prescribe
3 23 a complaint form for a person to allege a violation of
3 24 subsection 1. The complainant shall not be required to list
3 25 the complainant's social security number on the complaint form
3 26 or to have the complaint form notarized. Complaints shall
3 27 be submitted to the attorney general or a county attorney.
3 28 A complaint that is submitted to a county attorney shall be
3 29 submitted to the county attorney in the county in which the
3 30 alleged unauthorized alien is or was employed by the employer.
3 31 This subsection shall not be construed to prohibit the filing
3 32 of anonymous complaints that are not submitted on a prescribed
3 33 complaint form.

3 34 b. On receipt of a complaint on a prescribed complaint form
3 35 that an employer allegedly knowingly or intentionally employs



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4 1 or employed an unauthorized alien, the attorney general or
4 2 county attorney shall investigate whether the employer has
4 3 violated subsection 1. If a complaint is received but is not
4 4 submitted on a prescribed complaint form, the attorney general
4 5 or county attorney may investigate whether the employer has
4 6 violated subsection 1.

4 7 c. The attorney general or county attorney shall not
4 8 investigate complaints that are based solely on race, color,
4 9 or national origin. The county sheriff or any other local law
4 10 enforcement agency may assist in investigating a complaint.
4 11 When investigating a complaint, the attorney general or county
4 12 attorney shall verify the work authorization of the alleged
4 13 unauthorized alien with the federal government pursuant to 8
4 14 U.S.C. { 1373(c). A state, county, or local official shall not
4 15 attempt to independently make a final determination on whether
4 16 an alien is authorized to work in the United States.

4 17 d. A person who knowingly files a false and frivolous
4 18 complaint under this subsection is guilty of a simple
4 19 misdemeanor.

4 20 3. Required notifications. a. If, after an investigation,
4 21 the attorney general or county attorney determines that the
4 22 complaint is not false and frivolous, the attorney general or
4 23 county attorney shall notify the following entities of the
4 24 unauthorized alien:

4 25 (1) The United States immigration and customs enforcement.
4 26 (2) The local law enforcement agency.

4 27 b. The attorney general shall notify the appropriate county
4 28 attorney to bring an action pursuant to subsection 4 if the
4 29 complaint was originally filed with the attorney general.

4 30 4. Court action required. An action for a violation of
4 31 subsection 1 shall be brought against the employer by the
4 32 county attorney in the district court of the county where the
4 33 unauthorized alien employee is or was employed by the employer.
4 34 The district court shall expedite the action, including
4 35 assigning a hearing at the earliest practicable date.



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House File 629 - Introduced continued

5 1 5. Court order ==== first violation. On a finding of a first
5 2 violation as described in subsection 7, the court shall require
5 3 by order all of the following:

5 4 a. The employer shall terminate the employment of all
5 5 unauthorized aliens.

5 6 b. (1) For a knowing violation, the employer shall be
5 7 subject to a three=year probationary period for the business
5 8 location where the unauthorized alien performed work.

5 9 (2) For an intentional violation, the employer shall be
5 10 subject to a five=year probationary period for the business
5 11 location where the unauthorized alien performed work.

5 12 (3) During the probationary period, the employer shall file
5 13 quarterly reports on the form prescribed in section 252G.3 with
5 14 the county attorney for each new employee who is hired by the
5 15 employer at the business location where the unauthorized alien
5 16 performed work.

5 17 c. The employer to file a signed sworn affidavit with the
5 18 county attorney within three business days after the order
5 19 is issued. The affidavit shall state that the employer has
5 20 terminated the employment of all unauthorized aliens in this
5 21 state and that the employer will not knowingly or intentionally
5 22 employ an unauthorized alien in this state.

5 23 (1) The court shall order the appropriate agencies to
5 24 suspend all licenses that are held by the employer if the
5 25 employer fails to file a signed sworn affidavit with the county
5 26 attorney within three business days after the order is issued.
5 27 All licenses that are suspended shall remain suspended until
5 28 the employer files a signed sworn affidavit with the county
5 29 attorney. Upon filing of the affidavit, the suspended licenses
5 30 shall be reinstated immediately by the appropriate agencies.

5 31 (2) Licenses that are subject to suspension under this
5 32 paragraph "c" are all licenses that are held by the employer
5 33 specific to the business location where the unauthorized alien
5 34 performed work. If the employer does not hold a license
5 35 specific to the business location where the unauthorized alien



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6 1 performed work, but a license is necessary to operate the
6 2 employer's business in general, the licenses that are subject
6 3 to suspension under this paragraph "c" are all licenses that
6 4 are held by the employer at the employer's primary place of
6 5 business. On receipt of the court's order, the appropriate
6 6 agencies shall suspend the licenses according to the court's
6 7 order. The court shall send a copy of the court's order to the
6 8 attorney general and the attorney general shall maintain the
6 9 copy pursuant to subsection 8.

6 10 (3) For a knowing violation, the court may order the
6 11 appropriate agencies to suspend all licenses described in this
6 12 paragraph "c" that are held by the employer for not more than
6 13 ten business days. For an intentional violation, the court
6 14 shall order the appropriate agencies to suspend all licenses
6 15 described in this paragraph "c" that are held by the employer
6 16 for a minimum of ten business days. The court shall base its
6 17 decision to suspend under this subparagraph on any evidence or
6 18 information submitted to it during the action for a violation
6 19 of subsection 1 and shall consider the following factors, if
6 20 relevant:

6 21 (a) The number of unauthorized aliens employed by the
6 22 employer.

6 23 (b) Any prior misconduct by the employer.

6 24 (c) The degree of harm resulting from the violation.

6 25 (d) Whether the employer made good faith efforts to comply
6 26 with any applicable requirements.

6 27 (e) The duration of the violation.

6 28 (f) The role of the directors, officers, or principals of
6 29 the employer in the violation.

6 30 (g) Any other factors the court deems appropriate.

6 31 6. Court order ==== second violation. For a second violation,
6 32 as described in subsection 7, the court shall order the
6 33 appropriate agencies to permanently revoke all licenses that
6 34 are held by the employer specific to the business location
6 35 where the unauthorized alien performed work. If the employer



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7 1 does not hold a license specific to the business location
7 2 where the unauthorized alien performed work, but a license
7 3 is necessary to operate the employer's business in general,
7 4 the court shall order the appropriate agencies to permanently
7 5 revoke all licenses that are held by the employer at the
7 6 employer's primary place of business. On receipt of the order,
7 7 the appropriate agencies shall immediately revoke the licenses.
7 8 7. Violations defined. a. The violation shall be
7 9 considered a first violation by an employer at a business
7 10 location if the violation did not occur during a probationary
7 11 period ordered by the court under subsection 5, paragraph "b",
7 12 for that employer's business location.
7 13 b. The violation shall be considered a second violation by
7 14 an employer at a business location if the violation occurred
7 15 during a probationary period ordered by the court under
7 16 subsection 5, paragraph "b", for that employer's business
7 17 location.
7 18 8. Attorney general database. The attorney general shall
7 19 maintain copies of court orders that are received pursuant to
7 20 subsection 5, paragraph "c", and shall maintain a database
7 21 of the employers and business locations that have a first
7 22 violation of subsection 1 and make the court orders available
7 23 on the attorney general's internet site.
7 24 9. Federal determination governs. In determining whether
7 25 an employee is an unauthorized alien, the court shall consider
7 26 only the federal government's determination pursuant to 8
7 27 U.S.C. { 1373(c). The federal government's determination
7 28 creates a rebuttable presumption of the employee's lawful
7 29 status. The court may take judicial notice of the federal
7 30 government's determination and may request the federal
7 31 government to provide automated or testimonial verification
7 32 pursuant to 8 U.S.C. { 1373(c).
7 33 10. E=verify rebuttable presumption. For the purposes of
7 34 this section, proof of verifying the employment authorization
7 35 of an employee through the e=verify program creates a



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8 1 rebuttable presumption that an employer did not knowingly or
8 2 intentionally employ an unauthorized alien.

8 3 11. Good faith compliance. For the purposes of this
8 4 section, an employer that establishes that it has complied
8 5 in good faith with the requirements of 8 U.S.C. { 1324a(b)
8 6 establishes an affirmative defense that the employer did not
8 7 knowingly or intentionally employ an unauthorized alien. An
8 8 employer is considered to have complied with the requirements
8 9 of 8 U.S.C. { 1324a(b), notwithstanding an isolated, sporadic,
8 10 or accidental technical or procedural failure to meet the
8 11 requirements, if there is a good faith attempt to comply with
8 12 the requirements.

8 13 12. Entrapment as affirmative defense. a. It is an
8 14 affirmative defense to a violation of subsection 1 that the
8 15 employer was entrapped. To claim entrapment, the employer
8 16 must admit by the employer's testimony or other evidence the
8 17 substantial elements of the violation. An employer who asserts
8 18 an entrapment defense has the burden of proving all of the
8 19 following by a preponderance of the evidence:

8 20 (1) The idea of committing the violation started with law
8 21 enforcement officers or their agents rather than with the
8 22 employer.

8 23 (2) The law enforcement officers or their agents urged and
8 24 induced the employer to commit the violation.

8 25 (3) The employer was not predisposed to commit the violation
8 26 before the law enforcement officers or their agents urged and
8 27 induced the employer to commit the violation.

8 28 b. An employer does not establish entrapment if the employer
8 29 was predisposed to violate subsection 1 and the law enforcement
8 30 officers or their agents merely provided the employer with an
8 31 opportunity to commit the violation. It is not entrapment for
8 32 law enforcement officers or their agents merely to use a ruse
8 33 or to conceal their identity. The conduct of law enforcement
8 34 officers and their agents may be considered in determining if
8 35 an employer has proven entrapment.



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9 1 Sec. 4. NEW SECTION. 93.3 E=verify program ==== employer
9 2 participation.
9 3 1. An employer, after hiring an employee, shall verify the
9 4 employment eligibility of the employee through the e=verify
9 5 program and shall keep a record of the verification for the
9 6 duration of the employee's employment or at least three years,
9 7 whichever is longer.
9 8 2. In addition to any other requirement for an employer to
9 9 receive an economic development incentive from a government
9 10 entity, the employer shall register with and participate
9 11 in the e=verify program. Before receiving the economic
9 12 development incentive, the employer shall provide proof to the
9 13 government entity that the employer is registered with and
9 14 is participating in the e=verify program. If the government
9 15 entity determines that the employer is not complying with this
9 16 subsection, the government entity shall notify the employer
9 17 by certified mail of the government entity's determination
9 18 of noncompliance and the employer's right to appeal the
9 19 determination. On a final determination of noncompliance,
9 20 the employer shall repay all moneys received as an economic
9 21 development incentive to the government entity within thirty
9 22 days of the final determination.
9 23 3. Every three months, the attorney general shall request
9 24 from the United States department of homeland security a list
9 25 of employers from this state that are registered with the
9 26 e=verify program. On receipt of the list of employers, the
9 27 attorney general shall make the list available on the attorney
9 28 general's internet site.
9 29 Sec. 5. NEW SECTION. 321.518 Unlawful aliens ==== vehicle
9 30 immobilization or impoundment.
9 31 1. For purposes of this section:
9 32 a. "Immobilization" means the installation of a device in
9 33 a motor vehicle that completely prevents a motor vehicle from
9 34 being operated, or the installation of an ignition interlock
9 35 device of a type approved by the commissioner of public safety.



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10 1 b. "Impoundment" means the process of seizure and
10 2 confinement within an enclosed area of a motor vehicle, for the
10 3 purpose of restricting access to the vehicle.

10 4 2. A peace officer shall cause the removal and either
10 5 immobilization or impoundment of a vehicle if the peace officer
10 6 determines that a person is driving the vehicle while any of
10 7 the following applies:

10 8 a. In furtherance of the illegal presence of an alien in
10 9 the United States and in violation of a criminal offense, the
10 10 person is transporting or moving or attempting to transport or
10 11 move an alien in this state in a vehicle if the person knows or
10 12 recklessly disregards the fact that the alien has come to, has
10 13 entered, or remains in the United States in violation of law.

10 14 b. The person is concealing, harboring, or shielding
10 15 or attempting to conceal, harbor, or shield from detection
10 16 an alien in this state in a vehicle if the person knows or
10 17 recklessly disregards the fact that the alien has come to,
10 18 entered, or remains in the United States in violation of law.

10 19 Sec. 6. NEW SECTION. 710B.1 Definitions.

10 20 For the purposes of this chapter:

10 21 1. "Drop house" means property or real property that is used
10 22 to facilitate smuggling of human beings.

10 23 2. "Family member" means the person's parent, grandparent,
10 24 sibling, or any other person who is related to the person by
10 25 consanguinity or affinity to the second degree.

10 26 3. "Procurement of transportation" means any participation
10 27 in or facilitation of transportation and includes all of the
10 28 following:

10 29 a. Providing services that facilitate transportation,
10 30 including travel arrangement services or money transmission
10 31 services.

10 32 b. Providing property that facilitates transportation,
10 33 including all of the following:

10 34 (1) A weapon.

10 35 (2) A vehicle or other means of transportation.



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11 1 (3) False identification information.
11 2 (4) Selling, leasing, renting, or otherwise making
11 3 available a drop house.
11 4 4. "Trafficking of human beings" means the transportation,
11 5 procurement of transportation, or use of property or real
11 6 property by a person or an entity that knows or has reason
11 7 to know that the person or persons transported or to be
11 8 transported are not United States citizens, permanent resident
11 9 aliens, or persons otherwise lawfully in this state, or have
11 10 attempted to enter, entered, or remained in the United States
11 11 in violation of law.
11 12 Sec. 7. NEW SECTION. 710B.2 Trafficking of human beings
11 13 unlawful ==== penalties.
11 14 1. A person shall not intentionally engage in the
11 15 trafficking of human beings for profit or commercial purpose.
11 16 2. A violation of subsection 1 is classified as follows:
11 17 a. A class "C" felony if the human being who is trafficked
11 18 is under eighteen years of age and is not accompanied by
11 19 a family member over eighteen years of age or the offense
11 20 involved the use of a dangerous weapon as defined in section
11 21 702.7.
11 22 b. A class "D" felony if the offense involves the use or
11 23 threatened use of deadly force and the person is not eligible
11 24 for suspension of sentence, probation, pardon, or release from
11 25 confinement on any other basis except any of the following:
11 26 (1) As authorized by chapter 905 and sections 904.703,
11 27 904.910, and 906.4 for work release only.
11 28 (2) Until the sentence imposed by the court has been served.
11 29 (3) The person is eligible for release pursuant to section
11 30 903A.2.
11 31 (4) The sentence is commuted pursuant to section 914.1.
11 32 c. An aggravated misdemeanor for any other violation.
11 33 Sec. 8. NEW SECTION. 710B.3 Traffic stops.
11 34 Notwithstanding any other provision of law, in the
11 35 enforcement of this chapter, a peace officer may lawfully stop



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12 1 a person who is operating a motor vehicle if the officer has
12 2 reasonable suspicion to believe the person is in violation of a
12 3 civil traffic law.

12 4 Sec. 9. Section 715A.2A, subsection 1, Code 2011, is amended
12 5 to read as follows:

12 6 1. An employer is subject to the civil penalty in this
12 7 section if the employer does ~~either~~ any of the following:

12 8 a. Hires a person when the employer or an agent or employee
12 9 of the employer knows that the document evidencing the person's
12 10 authorized stay or employment in the United States is in
12 11 violation of section 715A.2, subsection 2, paragraph "a",
12 12 subparagraph (4), ~~or knows that the person is not authorized to~~
12 13 ~~be employed in the United States.~~

12 14 b. Continues to employ a person when the employer or an
12 15 agent or employee of the employer knows that the document
12 16 evidencing the person's authorized stay or employment in the
12 17 United States is in violation of section 715A.2, subsection 2,
12 18 paragraph "a", subparagraph (4), ~~or knows that the person is not~~
12 19 ~~authorized to be employed in the United States.~~

12 20 Sec. 10. NEW SECTION. 734.1 Failure to carry alien
12 21 identification documentation.

12 22 In addition to any violation of federal law, a person
12 23 is guilty of willful failure to complete or carry an alien
12 24 registration document if the person is in violation of 8 U.S.C.
12 25 { 1304(e) or 8 U.S.C. { 1306(a).

12 26 Sec. 11. NEW SECTION. 734.2 Determination of immigration
12 27 status.

12 28 In the enforcement of this chapter, an alien's immigration
12 29 status may be determined by any of the following:

12 30 1. A law enforcement officer who is authorized by
12 31 the federal government to verify or ascertain an alien's
12 32 immigration status.

12 33 2. The United States immigration and customs enforcement or
12 34 the United States customs and border protection pursuant to 8
12 35 U.S.C. { 1373(c).



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13 1 Sec. 12. NEW SECTION. 734.3 Eligibility for release.
13 2 A person who is sentenced pursuant to this chapter is
13 3 not eligible for suspension of sentence, probation, pardon,
13 4 commutation of sentence, or release from confinement on any
13 5 basis except any of the following:
13 6 1. As authorized by chapter 905 and sections 904.703,
13 7 904.910, and 906.4 for work release only.
13 8 2. Until the sentence imposed by the court has been served.
13 9 3. The person is eligible for release pursuant to section
13 10 903A.2.
13 11 Sec. 13. NEW SECTION. 734.4 Payment of costs and
13 12 assessment.
13 13 In addition to any other penalty prescribed by law, the court
13 14 shall order the person to pay the cost of incarceration and an
13 15 additional assessment of a fine in the following amounts:
13 16 1. At least five hundred dollars for a first violation.
13 17 2. Twice the amount specified in subsection 1 if the person
13 18 was previously subject to an assessment pursuant to this
13 19 section.
13 20 Sec. 14. NEW SECTION. 734.5 Remittance of fines.
13 21 A court shall collect the fine prescribed in section 734.4
13 22 and remit the fine to the treasurer of state for deposit in the
13 23 unlawful alien enforcement fund created in section 80.41.
13 24 Sec. 15. NEW SECTION. 734.6 Inapplicability.
13 25 This chapter does not apply to a person who maintains
13 26 authorization from the federal government to remain in the
13 27 United States.
13 28 Sec. 16. NEW SECTION. 734.7 Admissibility of records.
13 29 A record that relates to the immigration status of a
13 30 person is admissible in any court without further foundation
13 31 or testimony from a custodian of records if the record is
13 32 certified as authentic by the government agency that is
13 33 responsible for maintaining the record.
13 34 Sec. 17. NEW SECTION. 734.8 Penalty.
13 35 A violation of this chapter is classified as follows:



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14 1 1. A class "D" felony if the person violates this section
14 2 while in possession of any of the following:
14 3 a. A controlled substance, counterfeit substance, or
14 4 simulated controlled substance as defined in section 124.101.
14 5 b. A dangerous weapon as defined in section 702.7.
14 6 c. Property that is used for the purpose of committing
14 7 or attempting to commit an act of terrorism as proscribed in
14 8 section 708A.2 or for providing material support or resources
14 9 to a person committing or attempting to commit terrorism as
14 10 proscribed in section 708A.4.
14 11 2. An aggravated misdemeanor if any of the following
14 12 applies:
14 13 a. The person is convicted of a second or subsequent
14 14 violation of this chapter.
14 15 b. Within sixty months before the violation, the person
14 16 has been removed from the United States pursuant to 8 U.S.C.
14 17 { 1229a or has accepted a voluntary removal from the United
14 18 States pursuant to 8 U.S.C. { 1229c.
14 19 3. A serious misdemeanor for any other violation.
14 20 Sec. 18. NEW SECTION. 735.1 Employment of unlawful aliens
14 21 ==== penalty.
14 22 1. For the purposes of this section:
14 23 a. "Solicit" means verbal or nonverbal communication by a
14 24 gesture or a nod that would indicate to a reasonable person
14 25 that a person is willing to be employed.
14 26 b. "Unauthorized alien" means an alien who does not have the
14 27 legal right or authorization under federal law to work in the
14 28 United States as described in 8 U.S.C. { 1324a(h)(3).
14 29 2. An occupant of a motor vehicle that is stopped on a
14 30 street, roadway, or highway shall not attempt to hire or hire
14 31 and pick up passengers for work at a different location if the
14 32 motor vehicle blocks or impedes the normal movement of traffic.
14 33 3. A person shall not enter a motor vehicle that is stopped
14 34 on a street, roadway, or highway in order to be hired by an
14 35 occupant of the motor vehicle and to be transported to work at



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15 1 a different location if the motor vehicle blocks or impedes the
15 2 normal movement of traffic.

15 3 4. A person who is unlawfully present in the United States
15 4 and who is an unauthorized alien shall not knowingly apply for
15 5 work, solicit work in a public place, or perform work as an
15 6 employee or independent contractor in this state.

15 7 5. A violation of this section is a serious misdemeanor.

15 8 Sec. 19. NEW SECTION. 735.2 Transportation, concealment,
15 9 and inducement of unlawful aliens ==== penalty.

15 10 1. For the purposes of this section:

15 11 a. "Immobilized" means the installation of a device in a
15 12 motor vehicle that completely prevents a motor vehicle from
15 13 being operated, or the installation of an ignition interlock
15 14 device of a type approved by the commissioner of public safety.

15 15 b. "Impoundment" means the process of seizure and
15 16 confinement within an enclosed area of a motor vehicle, for the
15 17 purpose of restricting access to the vehicle.

15 18 2. A person who commits a criminal offense also commits
15 19 another criminal offense if the person does any of the
15 20 following:

15 21 a. Transports or moves or attempts to transport or move an
15 22 alien in this state, in furtherance of the illegal presence of
15 23 the alien in the United States, in a means of transportation
15 24 if the person knows or recklessly disregards the fact that the
15 25 alien has come to, has entered, or remains in the United States
15 26 in violation of law.

15 27 b. Conceals, harbors, or shields or attempts to conceal,
15 28 harbor, or shield an alien from detection in any place in this
15 29 state, including any building or any means of transportation,
15 30 if the person knows or recklessly disregards the fact that the
15 31 alien has come to, has entered, or remains in the United States
15 32 in violation of law.

15 33 c. Encourages or induces an alien to enter or reside in this
15 34 state if the person knows or recklessly disregards the fact
15 35 that the alien entering or residing in this state is or will be



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16 1 in violation of law.

16 2 3. A means of transportation that is used in the commission
16 3 of a violation of this section is subject to mandatory vehicle
16 4 immobilization or impoundment.

16 5 4. This section does not apply to a department of human
16 6 services' worker acting in the worker's official capacity or a
16 7 person who is acting in the capacity of a first responder, an
16 8 ambulance attendant, or an emergency medical care provider and
16 9 who is transporting or moving an alien in this state.

16 10 5. A person who violates this section is guilty of a
16 11 serious misdemeanor, except that a violation of this section
16 12 that involves ten or more unauthorized aliens is an aggravated
16 13 misdemeanor and is punishable by confinement for no more than
16 14 two years and a fine of at least one thousand dollars for each
16 15 alien who is involved.

16 16 Sec. 20. Section 804.7, Code 2011, is amended by adding the
16 17 following new subsection:

16 18 NEW SUBSECTION. 7. If the peace officer has reasonable
16 19 grounds for believing that the person to be arrested has
16 20 committed a public offense that makes the person removable from
16 21 the United States.

16 22 Sec. 21. NEW SECTION. 823.1 Interference with enforcement
16 23 prohibited.

16 24 An official or agency of this state or a political
16 25 subdivision of this state shall not limit or restrict the
16 26 enforcement of federal immigration laws to less than the full
16 27 extent permitted by federal law.

16 28 Sec. 22. NEW SECTION. 823.2 Determination of immigration
16 29 status.

16 30 For a lawful contact made by a law enforcement official or
16 31 a law enforcement agency of this state or a law enforcement
16 32 official or a law enforcement agency of a political subdivision
16 33 of this state where reasonable suspicion exists that a person
16 34 is an alien who is unlawfully present in the United States,
16 35 a reasonable attempt shall be made, when practicable, to



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17 1 determine the immigration status of the person, except if the
17 2 determination may hinder or obstruct an investigation. A
17 3 person who is arrested shall have the person's immigration
17 4 status determined before the person is released. The person's
17 5 immigration status shall be verified with the federal
17 6 government pursuant to 8 U.S.C. { 1373(c). A law enforcement
17 7 official or agency of this state or a political subdivision of
17 8 this state shall not solely consider race, color, or national
17 9 origin in implementing the requirements of this section
17 10 except to the extent permitted by the United States or Iowa
17 11 constitution. A person is presumed to not be an alien who is
17 12 unlawfully present in the United States if the person provides
17 13 to the law enforcement officer or agency any of the following:
17 14 1. A valid Iowa driver's license.
17 15 2. A valid Iowa nonoperator's identification card.
17 16 3. A valid tribal enrollment card or other form of tribal
17 17 identification.
17 18 4. A valid United States, state, or local government-issued
17 19 identification if the government entity issuing the document
17 20 requires proof of legal presence in the United States before
17 21 issuance.
17 22 Sec. 23. NEW SECTION. 823.3 Notification of federal
17 23 authority.
17 24 If an alien who is unlawfully present in the United States is
17 25 convicted of a violation of state or local law, on discharge
17 26 from imprisonment or on the assessment of a monetary obligation
17 27 that is imposed, an official or agency of this state or a
17 28 political subdivision of this state shall immediately notify
17 29 the United States immigration and customs enforcement or the
17 30 United States customs and border protection.
17 31 Sec. 24. NEW SECTION. 823.4 Transportation of unlawful
17 32 aliens.
17 33 Notwithstanding any other provision of law, a law
17 34 enforcement agency may securely transport an alien for whom the
17 35 agency has received verification that the alien is unlawfully



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18 1 present in the United States and who is in the agency's custody
18 2 to a federal facility in this state or to any other point of
18 3 transfer into federal custody that is outside the jurisdiction
18 4 of the law enforcement agency. A law enforcement agency shall
18 5 obtain judicial authorization before securely transporting an
18 6 alien who is unlawfully present in the United States to a point
18 7 of transfer that is outside of this state.
18 8 Sec. 25. NEW SECTION. 823.5 Use of information for official
18 9 purpose.
18 10 Except as provided in federal law, an official or agency
18 11 of this state or a political subdivision of this state
18 12 shall not be prohibited or in any way be restricted from
18 13 sending, receiving, or maintaining information relating to
18 14 the immigration status, lawful or unlawful, of a person or
18 15 exchanging that information with any other federal, state, or
18 16 local governmental entity for any of the following official
18 17 purposes:
18 18 1. Determining eligibility for a public benefit, service,
18 19 or license provided by a federal, state, local, or other
18 20 political subdivision of this state.
18 21 2. Verifying a claim of residence or domicile if
18 22 determination of residence or domicile is required under the
18 23 laws of this state or a judicial order issued pursuant to a
18 24 civil or criminal proceeding in this state.
18 25 3. If the person is an alien, determining whether the person
18 26 is in compliance with the federal registration laws prescribed
18 27 by Tit. II, Ch. 7 of the federal Immigration and Nationality
18 28 Act.
18 29 4. Pursuant to 8 U.S.C. { 1373 and 8 U.S.C. { 1644.
18 30 Sec. 26. NEW SECTION. 823.6 Civil suit and penalty.
18 31 A person who is a legal resident of this state may bring an
18 32 action in district court to challenge an official or agency of
18 33 this state or a political subdivision of this state that adopts
18 34 or implements a policy or practice that limits or restricts
18 35 the enforcement of federal immigration laws to less than the



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19 1 full extent permitted by federal law. If there is a judicial
19 2 finding that an entity has violated this chapter, the court
19 3 shall order that the entity pay a civil penalty of not less
19 4 than one thousand dollars and not more than five thousand
19 5 dollars for each day that the policy has remained in effect
19 6 after the filing of an action pursuant to this section.
19 7 Sec. 27. NEW SECTION. 823.7 Remittance of civil penalty.
19 8 A court shall collect the civil penalty prescribed in
19 9 section 823.6 and remit the civil penalty to the treasurer
19 10 of state for deposit in the unlawful alien enforcement fund
19 11 created in section 80.41.
19 12 Sec. 28. NEW SECTION. 823.8 Court costs and attorney fees.
19 13 The court may award court costs and reasonable attorney
19 14 fees to a person or an official or agency of this state or
19 15 a political subdivision of this state that prevails by an
19 16 adjudication on the merits in a proceeding brought pursuant to
19 17 section 823.6.
19 18 Sec. 29. NEW SECTION. 823.9 Indemnification.
19 19 A law enforcement officer shall be indemnified by the
19 20 officer's agency against reasonable costs and expenses,
19 21 including attorney fees, incurred by the officer in connection
19 22 with an action, suit, or proceeding brought pursuant to this
19 23 chapter in which the officer may be a defendant by reason
19 24 of the officer being or having been a member of the law
19 25 enforcement agency, except in relation to matters in which the
19 26 officer is adjudged to have acted in bad faith.
19 27 Sec. 30. NEW SECTION. 823.10 Consistency with existing law.
19 28 This chapter shall be implemented and administered in a
19 29 manner consistent with federal laws regulating immigration,
19 30 protecting the civil rights of all persons, and respecting the
19 31 privileges and immunities of United States citizens.
19 32 Sec. 31. IMPLEMENTATION OF ACT.
19 33 1. This Act shall be implemented and administered in a
19 34 manner consistent with federal laws regulating immigration,
19 35 protecting the civil rights of all persons, and respecting the



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20 1 privileges and immunities of United States citizens.
20 2 2. Section 25B.2, subsection 3, shall not apply to this Act.
20 3 EXPLANATION
20 4 This bill relates to unlawful aliens and law enforcement in
20 5 Iowa.
20 6 UNLAWFUL ALIEN IMMIGRATION FUND. The bill creates an
20 7 unlawful alien enforcement fund in the state treasury under
20 8 the control of the department of public safety, subject to
20 9 appropriation by the general assembly. The bill provides that
20 10 the fund will consist of certain penalties and fines, as well
20 11 as moneys appropriated by the general assembly. The bill
20 12 requires the moneys in the fund to be used for enforcement
20 13 of laws relating to unlawful aliens and for county jail
20 14 reimbursement costs for unlawful aliens. Interest or earnings
20 15 on moneys credited to the unlawful alien enforcement fund will
20 16 be credited to the unlawful alien enforcement fund. Moneys
20 17 credited to the unlawful alien enforcement fund at the end of a
20 18 fiscal year will not revert to any other fund but will remain
20 19 in the unlawful alien enforcement fund.
20 20 EMPLOYMENT OF UNAUTHORIZED ALIENS PROHIBITED. The bill
20 21 provides definitions relating to employment of unauthorized
20 22 aliens. The bill prohibits employers from knowingly or
20 23 intentionally employing unauthorized aliens. The bill
20 24 directs the attorney general to prescribe a complaint form for
20 25 alleged violations of the prohibition. The bill provides that
20 26 complaints may be submitted to the attorney general or the
20 27 county attorney in the county in which the alleged unauthorized
20 28 alien is or was employed by the employer. The bill directs the
20 29 attorney general or county attorney to investigate complaints
20 30 they receive, and to verify the work authorization of an
20 31 alleged unauthorized alien with the federal government. The
20 32 bill prohibits the attorney general or county attorney from
20 33 investigating complaints that are based solely on race, color,
20 34 or national origin. The bill allows a county sheriff or other
20 35 local law enforcement to assist in an investigation. The



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House File 629 - Introduced continued

21 1 bill provides that a person who knowingly files a false and
21 2 frivolous complaint is guilty of a simple misdemeanor, which is
21 3 punishable by confinement for no more than 30 days or a fine of
21 4 at least \$65 but not more than \$625 or by both.

21 5 The bill requires the attorney general or county attorney
21 6 to notify United States immigration and customs enforcement,
21 7 the local law enforcement agency, and, if the attorney general
21 8 is the one investigating, the county attorney of a complaint
21 9 that is not false and frivolous. The bill requires the county
21 10 attorney to bring an action in district court against an
21 11 employer for a violation in the county where the unauthorized
21 12 alien employee is or was employed by the employer. The bill
21 13 provides that such an action must be expedited by the court.

21 14 The bill provides that for a first violation, the court
21 15 must order the employer to terminate the employment of all
21 16 unauthorized aliens and to submit a signed sworn affidavit
21 17 to that effect or face suspension of business licenses by
21 18 appropriate agencies. The court will also order a three=year
21 19 probationary period for a knowing violation or a five=year
21 20 probationary period for an intentional violation by an
21 21 employer. For a knowing violation, the court may also
21 22 order the suspension of the employer's business licenses
21 23 by appropriate agencies for up to 10 business days, after
21 24 considering certain factors. For an intentional violation,
21 25 the court must order the suspension of the employer's business
21 26 licenses by appropriate agencies for at least 10 business days,
21 27 after considering certain factors. The bill provides that for
21 28 a second violation, defined as a violation occurring during a
21 29 probationary period for a previous violation, the court must
21 30 order the permanent revocation of the employer's business
21 31 licenses. The bill directs the attorney general to maintain an
21 32 online database of first=time offenders.

21 33 The bill provides that the district court can only consider
21 34 a determination by the federal government in determining the
21 35 immigration status of an alleged unauthorized alien employed by



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House File 629 - Introduced continued

22 1 an employer. The bill provides that a determination of lawful
22 2 status by the federal government will create a rebuttable
22 3 presumption of the employee's lawful status, as well as a
22 4 rebuttable presumption that an employer did not knowingly or
22 5 intentionally employ an unauthorized alien. The bill provides
22 6 that an employer who establishes that the employer complied in
22 7 good faith with 8 U.S.C. { 1324a(b) establishes an affirmative
22 8 defense that the employer did not knowingly or intentionally
22 9 employ an unauthorized alien. The bill provides that an
22 10 employer is considered to have complied with the requirements
22 11 of 8 U.S.C. { 1324a(b), notwithstanding an isolated, sporadic,
22 12 or accidental technical or procedural failure to meet the
22 13 requirements, if there is a good faith attempt to comply with
22 14 the requirements. The bill provides an employer with an
22 15 affirmative defense of entrapment if certain elements are met.
22 16 The bill requires an employer hiring a new employee to
22 17 verify the employee's employment eligibility through the
22 18 federal e=verify program. The bill requires the employer
22 19 to keep records of the verification for the duration of the
22 20 employee's employment or three years, whichever is longer. The
22 21 bill requires an employer receiving an economic development
22 22 incentive from a state government entity to register with the
22 23 federal e=verify program. The bill provides that an employer
22 24 who does not comply with the requirement must repay all moneys
22 25 received for the economic development incentive. The bill
22 26 provides an employer the right to appeal a determination of
22 27 noncompliance, and does not require repayment until a final
22 28 determination of noncompliance is made. The bill directs the
22 29 attorney general to request from the United States department
22 30 of homeland security a list of employers registered with the
22 31 e=verify program every three months. The bill directs the
22 32 attorney general to make the list available on the attorney
22 33 general's internet site.
22 34 IMMOBILIZATION OR IMPOUNDMENT OF VEHICLES. The bill
22 35 requires a peace officer to immobilize or impound a vehicle if



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House File 629 - Introduced continued

23 1 the officer determines that the driver, in furtherance of the
23 2 illegal presence of an alien in the United States and while
23 3 violating another criminal offense, is transporting or moving
23 4 or attempting to transport or move an alien in the vehicle if
23 5 the person knows or recklessly disregards the fact that the
23 6 alien has come to, has entered, or remains in the United States
23 7 illegally. The bill requires a peace officer to immobilize or
23 8 impound a vehicle if the officer determines that the driver is
23 9 concealing, harboring, or shielding or attempting to conceal,
23 10 harbor, or shield from detection an alien in the vehicle if
23 11 the person knows or recklessly disregards the fact that the
23 12 alien has come to, entered, or remains in the United States
23 13 illegally. The bill provides definitions.

23 14 TRAFFICKING. The bill creates the offense of trafficking
23 15 and provides definitions. The bill provides that this
23 16 offense is an aggravated misdemeanor, which is punishable by
23 17 confinement for no more than two years and a fine of at least
23 18 \$625 but not more than \$6,250. Under certain circumstances,
23 19 the penalty is instead a class "C" felony, which is punishable
23 20 by confinement for no more than 10 years and a fine of at least
23 21 \$1,000 but not more than \$10,000, or a class "D" felony, which
23 22 is punishable by confinement for no more than five years and
23 23 a fine of at least \$750 but not more than \$7,500. A person
23 24 charged with a class "D" felony under this law is ineligible
23 25 for suspension of sentence, probation, pardon, commutation
23 26 of sentence, or release from confinement on any basis, with
23 27 certain exceptions. The bill authorizes peace officers, in the
23 28 enforcement of the trafficking law, to lawfully stop a person
23 29 if they have reasonable suspicion to believe the person is in
23 30 violation of a civil traffic law.

23 31 The bill strikes redundant language in the Code chapter
23 32 relating to fraudulent documents regarding the employment of
23 33 unlawful aliens.

23 34 FAILURE TO COMPLETE OR CARRY ALIEN REGISTRATION
23 35 DOCUMENTATION. The bill creates the offense of failing to



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House File 629 - Introduced continued

24 1 complete or carry alien identification documentation. The
24 2 bill provides that in addition to any violation of federal
24 3 law, a person is guilty of willful failure to complete or
24 4 carry an alien registration document if the person is in
24 5 violation of 8 U.S.C. { 1304(e) or 8 U.S.C. { 1306(a). The
24 6 bill specifies which governmental entities may determine an
24 7 alien's immigration status. The bill removes eligibility of a
24 8 person convicted of the new offense for suspension of sentence,
24 9 probation, pardon, commutation of sentence, or release from
24 10 confinement on any basis, with certain exceptions. The bill
24 11 provides for a fine. The bill provides that a record that
24 12 relates to the immigration status of a person is admissible in
24 13 any court without further foundation or testimony if the record
24 14 is certified as authentic by the government agency that is
24 15 responsible for maintaining the record. The bill provides that
24 16 this offense is a serious misdemeanor, which has a penalty of
24 17 confinement for no more than one year. The bill provides that
24 18 under certain circumstances, the penalty is instead a class "D"
24 19 felony, which is punishable by confinement for no more than
24 20 five years, or an aggravated misdemeanor, which is punishable
24 21 by confinement for no more than two years. The bill provides
24 22 for a fine of up to \$500 for a first offense and up to \$1,000
24 23 for a subsequent violation.

24 24 HIRING AND TRANSPORTATION OF UNLAWFUL ALIENS. The bill
24 25 provides that it is a serious misdemeanor for an occupant of a
24 26 motor vehicle that is stopped on a street, roadway, or highway
24 27 to attempt to hire or hire and pick up passengers for work if
24 28 the motor vehicle blocks or impedes traffic. The bill provides
24 29 that it is a serious misdemeanor for a person to enter a motor
24 30 vehicle stopped on a street, roadway, or highway in order to be
24 31 hired by an occupant of the motor vehicle and to be transported
24 32 to work if the motor vehicle blocks or impedes traffic. The
24 33 bill provides that it is a serious misdemeanor for a person
24 34 who is unlawfully present in the United States and who is an
24 35 unauthorized alien to knowingly apply for work, solicit work in



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House File 629 - Introduced continued

25 1 a public place, or perform work as an employee or independent
25 2 contractor. A serious misdemeanor is punishable by confinement
25 3 for no more than one year and a fine of at least \$315 but not
25 4 more than \$1,875. The bill provides definitions.

25 5 The bill provides that it is unlawful for a person who is
25 6 in violation of a criminal offense to transport or move an
25 7 alien in a means of transportation, or attempt to do so, if the
25 8 person knows or recklessly disregards the fact that the alien
25 9 is in the United States unlawfully. The bill provides that
25 10 it is unlawful for a person who is in violation of a criminal
25 11 offense to conceal, harbor, or shield an alien from detection
25 12 in any place in this state, or attempt to do so, if the person
25 13 knows or recklessly disregards the fact that the alien is in
25 14 the United States unlawfully. The bill provides that it is
25 15 unlawful for a person who is in violation of a criminal offense
25 16 to encourage or induce an alien to enter or reside in the state
25 17 of Iowa if the person knows or recklessly disregards the fact
25 18 that the alien entering or residing in this state is or will
25 19 be in violation of law. The bill provides that a means of
25 20 transportation used in the commission of these offenses is
25 21 subject to mandatory vehicle immobilization or impoundment.
25 22 The bill provides for definitions and certain exceptions. The
25 23 bill provides that these offenses are serious misdemeanors,
25 24 which are punishable by confinement for no more than one year
25 25 and a fine of at least \$315 but not more than \$1,875. However,
25 26 a violation that involves 10 or more unlawful aliens is an
25 27 aggravated misdemeanor, which will be punishable by confinement
25 28 for no more than two years and a fine of at least \$1,000 for
25 29 each alien who is involved.

25 30 ARREST OF REMOVABLE PERSONS. The bill authorizes a peace
25 31 officer to arrest a person without a warrant if the officer
25 32 has probable cause to believe that the person has committed a
25 33 public offense that makes the person removable from the United
25 34 States.

25 35 ENFORCEMENT OF IMMIGRATION LAWS. The bill creates Code



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House File 629 - Introduced continued

26 1 chapter 823, relating to enforcement of immigration laws.
26 2 The bill prohibits officials and agencies of this state or
26 3 its political subdivisions from restricting or limiting the
26 4 enforcement of the federal immigration laws to less than the
26 5 full extent permitted by federal law. The bill requires law
26 6 enforcement officials and law enforcement agencies of this
26 7 state or its political subdivisions to reasonably attempt to
26 8 determine the immigration status of a person involved in a
26 9 lawful contact where reasonable suspicion exists regarding the
26 10 immigration status of the person, except if the determination
26 11 may hinder or obstruct an investigation. The bill requires
26 12 that if the person is arrested, the person's immigration status
26 13 must be determined before the person is released and must be
26 14 verified with the federal government. The bill stipulates
26 15 that a law enforcement official or agency cannot solely
26 16 consider race, color, or national origin when implementing
26 17 these provisions, except as permitted by the United States
26 18 or Iowa constitution. The bill specifies that a person is
26 19 presumed to be lawfully present if the person provides certain
26 20 documentation. The bill provides that if a person is convicted
26 21 of a violation of a state or local law, on discharge from
26 22 imprisonment or on the assessment of any monetary obligation
26 23 imposed, the United States immigration and customs enforcement
26 24 or the United States customs and border protection must be
26 25 immediately notified. The bill authorizes a law enforcement
26 26 agency to securely transport an unlawfully present alien to
26 27 a federal facility. The bill prohibits, except as provided
26 28 in federal law, officials and agencies of this state and its
26 29 political subdivisions from being prevented or restricted from
26 30 sending, receiving, or maintaining information relating to
26 31 the immigration status of an individual or exchanging that
26 32 information with another governmental entity for certain
26 33 official purposes.
26 34 The bill allows a person who is a legal resident of this
26 35 state to bring an action in district court to challenge



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House File 629 - Introduced continued

27 1 officials and agencies of the state and its political
27 2 subdivisions that adopt or implement a policy that limits or
27 3 restricts the enforcement of federal immigration laws to less
27 4 than the full extent permitted by federal law, and provides for
27 5 a civil penalty. The bill provides for indemnification of law
27 6 enforcement officers against actions brought under Code chapter
27 7 823, except if the officer has been adjudged to have acted in
27 8 bad faith. The bill stipulates that Code chapter 823 is to be
27 9 implemented consistent with federal immigration law protecting
27 10 the civil rights of all persons and respecting the privileges
27 11 and immunities of United States citizens.

27 12 IMPLEMENTATION OF ACT. The bill provides that the bill
27 13 must be implemented in a manner consistent with federal laws
27 14 regulating immigration, protecting the civil rights of all
27 15 persons, and respecting the privileges and immunities of United
27 16 States citizens.

27 17 The bill may include a state mandate as defined in Code
27 18 section 25B.3. The bill makes inapplicable Code section 25B.2,
27 19 subsection 3, which would relieve a political subdivision from
27 20 complying with a state mandate if funding for the cost of
27 21 the state mandate is not provided or specified. Therefore,
27 22 political subdivisions are required to comply with any state
27 23 mandate included in the bill.

LSB 1435YH (7) 84

je/rj



**Iowa General Assembly
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House File 630 - Introduced

HOUSE FILE
BY STECKMAN

A BILL FOR

1 An Act relating to the use of a handheld electronic
2 communication device to engage in a call while operating a
3 motor vehicle, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2642YH (3) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 630 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.276, Code 2011, is amended to read
1 2 as follows:
1 3 321.276 Use of electronic communication device while driving
1 4 ~~text messaging.~~
1 5 1. For purposes of this section:
1 6 a. "Engage in a call" means talking or listening on a mobile
1 7 telephone or other portable electronic communication device.
1 8 b. "Hand=held electronic communication device" means a mobile
1 9 telephone or other portable electronic communication device
1 10 capable of being used to write, send, or read a text message
1 11 or engage in a call. "Hand=held electronic communication
1 12 device" does not include a voice=operated or hands=free device
1 13 which allows the user to write, send, or read a text message
1 14 or engage in a call without the use of either hand except
1 15 to activate or deactivate a feature or function. "Hand=held
1 16 electronic communication device" does not include a wireless
1 17 communication device used to transmit or receive data as
1 18 part of a digital dispatch system. "Hand=held electronic
1 19 communication device" includes a device which is temporarily
1 20 mounted inside the motor vehicle, unless the device is a
1 21 voice=operated or hands=free device.
1 22 c. "Text message" includes a text=based message, an instant
1 23 message, and electronic mail.
1 24 d. The terms "write", "send", and "read", with respect
1 25 to a text message, mean the manual entry, transmission, and
1 26 retrieval of a text message, respectively, to communicate with
1 27 any other person or device.
1 28 2. A person shall not use a hand=held electronic
1 29 communication device to write, send, or read a text message or
1 30 engage in a call while driving a motor vehicle unless the motor
1 31 vehicle is at a complete stop off the traveled portion of the
1 32 roadway.
1 33 a. A person does not violate this section by using a global
1 34 positioning system or navigation system ~~or when, for the~~
1 35 ~~purpose of engaging in a call, the person selects or enters a~~



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~~House File 630 - Introduced continued~~

~~2 1 telephone number or name in a hand-held mobile telephone or~~
~~2 2 activates, deactivates, or initiates a function of a hand-held~~
~~2 3 mobile telephone.~~
2 4 b. The provisions of this subsection relating to reading
2 5 a text message or engaging in a call do not apply to the
2 6 following persons:
2 7 (1) A member of a public safety agency, as defined in
2 8 section 34.1, performing official duties.
2 9 (2) A health care professional in the course of an emergency
2 10 situation.
2 11 (3) A person receiving safety-related information including
2 12 emergency, traffic, or weather alerts.
2 13 3. Nothing in this section shall be construed to authorize a
2 14 peace officer to confiscate a portable electronic communication
2 15 device from the driver or occupant of a motor vehicle.
2 16 4. a. A person convicted of a violation of this section
2 17 is guilty of a simple misdemeanor punishable as a scheduled
2 18 violation under section 805.8A, subsection 14, paragraph "1".
2 19 b. A violation of this section shall not be considered a
2 20 moving violation for purposes of this chapter or rules adopted
2 21 pursuant to this chapter.
2 22 5. a. A peace officer shall not stop or detain a person
2 23 solely for a suspected violation of this section. This section
2 24 is enforceable by a peace officer only as a secondary action
2 25 when the driver of a motor vehicle has been stopped or detained
2 26 for a suspected violation of another provision of this chapter,
2 27 a local ordinance equivalent to a provision of this chapter,
2 28 or other law.
2 29 b. ~~For the period beginning July 1, 2010, through June 30,~~
~~2 30 2011, peace officers shall issue only warning citations for~~
~~2 31 violations of this section.~~ The department, in cooperation
2 32 with the department of public safety, shall establish
2 33 educational programs to foster compliance with the requirements
2 34 of this section.
2 35 Sec. 2. Section 805.8A, subsection 14, paragraph 1, Code



Iowa General Assembly
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House File 630 - Introduced continued

3 1 2011, is amended to read as follows:
3 2 1. ~~Text=messaging~~ Use of electronic communication device
3 3 while driving violations. For violations under section 321.276,
3 4 the scheduled fine is thirty dollars.

3 5 EXPLANATION

3 6 This bill prohibits a person from using a hand=held
3 7 electronic device to engage in a call while operating a motor
3 8 vehicle unless the motor vehicle is at a complete stop off the
3 9 traveled portion of the roadway. Pursuant to current law,
3 10 "engage in a call" is defined as talking or listening on a
3 11 mobile telephone or other portable electronic communication
3 12 device. "Hand=held electronic communication device" is defined
3 13 by the bill as a mobile telephone or other portable electronic
3 14 communication device capable of being used to write, send,
3 15 or read a text message or engage in a call. The definition
3 16 excludes voice=operated and hands=free devices and devices
3 17 used as part of a digital dispatch system. A device which is
3 18 temporarily mounted inside a vehicle is considered to be a
3 19 hand=held device unless it is a voice=operated or hands=free
3 20 device.

3 21 The bill exempts the following persons from the prohibition
3 22 on engaging in a call on a hand=held electronic device while
3 23 driving: a member of a public safety agency performing
3 24 official duties; a health care professional in the course of
3 25 an emergency situation; and a person receiving safety=related
3 26 information including emergency, traffic, or weather alerts.

3 27 Like the existing prohibition on texting while driving, the
3 28 prohibition on engaging in a call on a hand=held electronic
3 29 device is enforceable only as a secondary action when a driver
3 30 has been stopped or detained for a suspected violation of
3 31 another law. The bill does not authorize a peace officer to
3 32 confiscate a portable electronic communication device from a
3 33 driver or occupant of a motor vehicle.

3 34 The penalties for engaging in a call on a hand=held
3 35 electronic device while driving are the same penalties



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House File 630 - Introduced continued

4 1 currently applicable for texting while driving. A violation
4 2 is a simple misdemeanor punishable by a scheduled fine of \$30.
4 3 The offense is not a moving violation, and therefore cannot
4 4 be considered for purposes of administrative suspension of a
4 5 driver's license or to establish habitual offender status.
4 6 In addition, if a violation causes a serious injury, a court
4 7 could impose an additional fine of \$500 or suspend the person's
4 8 driver's license for not more than 90 days, or both. If the
4 9 violation causes a death, a court could impose an additional
4 10 fine of \$1,000 or suspend the person's driver's license for not
4 11 more than 180 days, or both.
4 12 The bill affects motor vehicle operators who are 18 years of
4 13 age or older and operators who are 17 years of age with a full
4 14 driver's license. Under current law, all other motor vehicle
4 15 operators under 18 years of age are prohibited from using an
4 16 electronic communication device or an electronic entertainment
4 17 device while driving.

LSB 2642YH (3) 84

dea/nh



**Iowa General Assembly
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House File 631 - Introduced

HOUSE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO HSB 182)

A BILL FOR

1 An Act providing for a cow=calf tax credit, providing for an
2 appropriation, and including applicability provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2234HV (1) 84

da/rj



Iowa General Assembly
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House File 631 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.120 Cow=calf tax credit
1 2 allowed.
1 3 1. a. There is allowed a cow=calf tax credit for cow=calf
1 4 operations located in the state. The amount of the tax credit
1 5 equals ten cents for each corn equivalent consumed by the
1 6 qualified livestock in the cow=calf operation as specified
1 7 under this section. The tax credit shall be refunded as
1 8 provided in section 422.122.
1 9 b. (1) The tax credit shall be available to an individual
1 10 or corporate taxpayer if the taxpayer's federal taxable income
1 11 is not more than ninety=nine thousand six hundred dollars for
1 12 the tax year. In the case of married taxpayers, their combined
1 13 federal taxable income shall be used to determine if they
1 14 qualify for the credit.
1 15 (2) For each subsequent tax year, the maximum taxable income
1 16 amount specified in subparagraph (1) shall be multiplied by the
1 17 cumulative index factor for that tax year. "Cumulative index
1 18 factor" means the product of the annual index factor for the
1 19 2012 calendar year and all annual index factors for subsequent
1 20 calendar years. The cumulative index factor applies to all tax
1 21 years beginning on or after January 1 of the calendar year for
1 22 which the latest annual index factor has been determined.
1 23 (3) The annual index factor for the 2012 calendar year is
1 24 one hundred percent. For each subsequent calendar year, the
1 25 annual index factor equals the annual inflation factor for that
1 26 calendar year as computed in section 422.4 for purposes of the
1 27 individual income tax.
1 28 2. a. The amount of the tax credit per cow=calf operation
1 29 is determined by adding together for each head of qualified
1 30 livestock in the cow=calf operation the product of ten cents
1 31 times the number of corn equivalents consumed by that head of
1 32 qualified livestock. The amount of tax credit per cow=calf
1 33 operation per tax year shall not exceed three thousand dollars
1 34 and the amount of the tax credit per taxpayer per tax year
1 35 shall not exceed three thousand dollars.



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House File 631 - Introduced continued

- 2 1 b. The maximum amount of corn equivalents for a head of
2 2 qualified livestock in a cow=calf operation is one hundred
2 3 eleven and one=half.
- 2 4 3. As used in this division, "cow=calf operation" means an
2 5 operation that includes qualified livestock of the following
2 6 livestock:
- 2 7 a. Mature beef cows bred or for breeding.
2 8 b. Bred yearling heifers.
2 9 c. Breeding bulls.
- 2 10 4. If the cow=calf operation is carried on partly within and
2 11 partly without the state, the portion of the cow=calf operation
2 12 attributable to this state shall be determined pursuant to
2 13 rules adopted by the department. The department may adjust the
2 14 allocation upon request of the taxpayer in order to reflect the
2 15 actual cow=calf operation carried on within this state.
- 2 16 5. In calculating the tax credit for cow=calf operations
2 17 for tax years beginning in the 2012 calendar year, mature beef
2 18 cows bred or for breeding, bred yearling heifers, and breeding
2 19 bulls in the operations' inventory on December 31 of the tax
2 20 year which were also in the operations' inventory on July 1 of
2 21 the tax year and stockers and feeders sold during the tax year
2 22 may be counted. In calculating the tax credit for cow=calf
2 23 operations for tax years beginning on or after January 1, 2013,
2 24 only those bred cows, bred heifers, and breeding bulls in the
2 25 operations' inventory on December 31 of the tax year which were
2 26 also in the operations' inventory on July 1 of the tax year may
2 27 be counted.
- 2 28 6. An individual may claim the tax credit allowed
2 29 a partnership, limited liability company, subchapter S
2 30 corporation, or estate or trust electing to have the income
2 31 taxed directly to the individual. The amount claimed by the
2 32 individual shall be based upon the pro rata share of the
2 33 individual's earning of the partnership, limited liability
2 34 company, subchapter S corporation, or estate or trust.
- 2 35 7. A fraudulent claim for a credit refund under this



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3 1 division shall cause the forfeiture of any right or interest
3 2 to a tax credit refund in subsequent tax years under this
3 3 division.
3 4 Sec. 2. NEW SECTION. 422.121 Appropriation ==== limitation.
3 5 Beginning with the fiscal year beginning July 1, 2011, there
3 6 is appropriated annually from the general fund of the state two
3 7 million dollars to refund the tax credit allowed under this
3 8 division.
3 9 Sec. 3. NEW SECTION. 422.122 Refund of cow=calf tax credit
3 10 claims.
3 11 1. Each tax year the total amount of tax credit for cow=calf
3 12 operations refund claims that shall be paid pursuant to section
3 13 422.120 shall not exceed the amount appropriated by the general
3 14 assembly for that purpose. If the total dollar amount of the
3 15 refund claims exceeds that amount, each claim shall be paid an
3 16 amount equal to that total dollar amount divided by the total
3 17 number of claims, not to exceed the amount of the taxpayer's
3 18 claim. Remaining funds shall be prorated among those claims
3 19 not paid in full in the proportion that each such claim bears
3 20 to the total amount of such claims not paid in full.
3 21 2. In the case where refund claims are not paid in full, the
3 22 amount of the refund to which the taxpayer is entitled is the
3 23 amount computed in subsection 1, and paid to the taxpayer, and
3 24 the taxpayer is not entitled to any unpaid portion of a claim
3 25 and is not entitled to carry forward or backward to another tax
3 26 year any unpaid portion of a claim. A taxpayer shall not use a
3 27 refund as an estimated payment for the succeeding tax year.
3 28 3. A taxpayer must file a claim for refund within ten months
3 29 from the last day of the taxpayer's tax year. An extension for
3 30 filing shall not be allowed. The department shall determine by
3 31 February 28 of the calendar year following the calendar year in
3 32 which the claims were filed if the total amount of claims for
3 33 refund exceeds the amount appropriated for that purpose by the
3 34 general assembly for the tax year. If the claim is not payable
3 35 on February 28 because the taxpayer is a fiscal year filer, the



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House File 631 - Introduced continued

4 1 claim shall be considered as a claim filed for the following
4 2 tax year.

4 3 4. A claim for refund shall be made on claim forms to be
4 4 made available by the department. In order for a taxpayer to
4 5 have a valid refund claim, the taxpayer must supply legible
4 6 copies of documents the director deems necessary to verify the
4 7 amount of the refund.

4 8 Sec. 4. DIRECTIONS TO CODE EDITOR. The Code editor shall
4 9 codify sections designated in this Act as 422.120 through
4 10 422.122 as a new division in chapter 422.

4 11 Sec. 5. APPLICABILITY. The sections of this Act enacting
4 12 sections 422.120 through 422.122, establishing a tax credit and
4 13 refund for cow=calf operations, apply to tax years beginning on
4 14 or after January 1, 2012.

4 15 EXPLANATION

4 16 This bill restores the so-called cow=calf tax credit
4 17 originally enacted by the general assembly in 1996 (1996 Iowa
4 18 Acts, ch. 1197), and repealed by the general assembly in 2009
4 19 (2009 Iowa Acts, ch. 179). The bill provides for a tax credit
4 20 for a cow=calf operations located in this state and includes
4 21 a standing limited appropriation to support the tax credit.
4 22 The bill eliminates other livestock operations which were
4 23 originally part of the statute but never made eligible for the
4 24 tax credit funding.

4 25 The amount of the tax credit is computed by multiplying a
4 26 designated amount by the amount of corn equivalents consumed
4 27 by qualifying livestock (\$.10 x 111.5). Qualifying livestock
4 28 includes mature beef cows bred or for breeding, bred yearling
4 29 heifers, and breeding bulls. A taxpayer must have a federal
4 30 taxable income of not more than \$99,600 for the tax year. The
4 31 amount of tax credit per cow=calf operation cannot exceed
4 32 \$3,000. The tax credit is available to an individual or
4 33 corporate taxpayer who owns qualifying livestock.

4 34 The amount of the standing limited appropriation is \$2
4 35 million per fiscal year, beginning with the FY 2011=2012.



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House File 631 - Introduced continued

5 1 The bill provisions creating a tax credit and refund for
5 2 cow=calf operations apply to tax years beginning on and after
5 3 January 1, 2012.
LSB 2234HV (1) 84
da/rj



**Iowa General Assembly
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House File 632 - Introduced

HOUSE FILE
BY SANDS

A BILL FOR

1 An Act providing a sales tax exemption for substance abuse
2 treatment programs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2256YH (5) 84
tw/sc



**Iowa General Assembly
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House File 632 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 96. The sales price of a substance abuse
1 4 treatment program. For purposes of this subsection, "substance
1 5 abuse" means the same as defined in section 125.2.

1 6 EXPLANATION

1 7 This bill provides a sales tax exemption for the sales price
1 8 of a substance abuse treatment program.

1 9 By operation of Code section 423.6, an item exempt from the
1 10 imposition of the sales tax is also exempt from the use tax
1 11 imposed in Code section 423.5.

LSB 2256YH (5) 84

tw/sc



Iowa General Assembly
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House File 633 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 262)

A BILL FOR

1 An Act concerning mechanics' liens including the establishment
2 of a state construction registry for residential
3 construction property, providing for an appropriation, and
4 including effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2236HV (3) 84

rh/nh



Iowa General Assembly
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House File 633 - Introduced continued

PAG LIN

1 1 Section 1. Section 207.23, subsection 1, Code 2011, is
1 2 amended to read as follows:

1 3 1. Within six months after the completion of a project to
1 4 restore, reclaim, abate, control, or prevent adverse effects
1 5 of past coal mining practices on privately owned land, the
1 6 division shall itemize the money expended on the project and
1 7 may file a lien statement ~~in the manner provided in section~~
~~1 8 572.8~~ in the office of the district court clerk of each county
1 9 in which a portion of the property affected by the project is
1 10 located, together with a notarized appraisal by an independent
1 11 appraiser of the value of the land before the restoration,
1 12 reclamation, abatement, control, or prevention of adverse
1 13 effects of past mining practices if the money so expended
1 14 results in a significant increase in property value. A copy
1 15 of the lien statement and the appraisal, if required, shall be
1 16 served upon affected property owners in the manner provided
1 17 for service of an original notice. The lien shall not exceed
1 18 the amount determined by the appraiser to be the increase in
1 19 the market value of the land as a result of the restoration,
1 20 reclamation, abatement, control, or prevention of adverse
1 21 effects of past coal mining practices. A lien shall not be
1 22 filed in accordance with this subsection against the property
1 23 of a person who owned the surface prior to May 2, 1977, and who
1 24 neither consented to, participated in, nor exercised control
1 25 over the mining operation which necessitated the reclamation
1 26 performed.

1 27 Sec. 2. Section 572.1, Code 2011, is amended to read as
1 28 follows:

1 29 572.1 Definitions and rules of construction.

1 30 For the purpose of this chapter:

1 31 1. "Administrator" means the secretary of state.

1 32 ~~1.~~ 2. "Building" shall be construed as if followed by the
1 33 words "erection, or other improvement upon land".

1 34 3. "General contractor" includes every person who does work
1 35 or furnishes materials by contract, express or implied, with an



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House File 633 - Introduced continued

2 1 owner. "General contractor" does not include a person who does
2 2 work or furnishes materials on contract with an owner=builder.
2 3 ~~2.~~ 4. "Labor" means labor completed by the claimant.
2 4 ~~3.~~ 5. "Material" ~~shall~~, in addition to its ordinary
2 5 meaning, ~~include~~ includes machinery, tools, fixtures, trees,
2 6 evergreens, vines, plants, shrubs, tubers, bulbs, hedges,
2 7 bushes, sod, soil, dirt, mulch, peat, fertilizer, fence wire,
2 8 fence material, fence posts, tile, and the use of forms,
2 9 accessories, and equipment furnished by the claimant.
2 10 ~~4.~~ 6. "Owner" means the ~~record~~ legal or equitable
2 11 titleholder and every person for whose use or benefit any
2 12 building, erection, or other improvement is made, having the
2 13 capacity to contract, including guardians of record.
2 14 ~~5. "Owner-occupied dwelling" means the homestead of an~~
2 15 ~~owner, as defined in section 561.1, and without respect to the~~
2 16 ~~value limitations in section 561.3, and actually occupied by~~
2 17 ~~the owner or the spouse of the owner, or both. "Owner-occupied~~
2 18 ~~dwelling" includes a newly constructed dwelling to be occupied~~
2 19 ~~by the owner as a homestead, or a dwelling that is under~~
2 20 ~~construction and being built by or for an owner who will occupy~~
2 21 ~~the dwelling as a homestead.~~
2 22 7. "Owner=builder" means the legal or equitable titleholder
2 23 of record who furnishes material for or performs labor upon a
2 24 building, erection, or other improvement, or who contracts with
2 25 a subcontractor to furnish material for or perform labor upon
2 26 a building, erection, or other improvement and who offers or
2 27 intends to offer to sell the owner=builder's property without
2 28 occupying or using the structures, properties, developments,
2 29 or improvements for a period of more than one year from the
2 30 date the structure, property, development, or improvement is
2 31 substantially completed or abandoned.
2 32 8. "Residential construction" means construction on
2 33 single=family or two=family dwellings occupied or used, or
2 34 intended to be occupied or used, primarily for residential
2 35 purposes, and includes real property pursuant to chapter 499B.



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3 1 9. "State construction registry" means a centralized
3 2 computer database maintained on the internet by the
3 3 administrator that provides a central repository for the
3 4 submission and management of preliminary notices, notices of
3 5 commencement of work on residential construction properties,
3 6 and mechanics' liens on all construction properties.

3 7 10. "State construction registry number" means a number
3 8 provided by the administrator for all residential construction
3 9 properties posted to the state construction registry.

3 10 ~~6.~~ 11. "Subcontractor" ~~shall include~~ includes every person
3 11 furnishing material or performing labor upon any building,
3 12 erection, or other improvement, except those having contracts
3 13 directly with the owner. "Subcontractor" shall include those
3 14 persons having contracts directly with an owner=builder.

3 15 Sec. 3. Section 572.2, Code 2011, is amended to read as
3 16 follows:

3 17 572.2 Persons entitled to lien.

3 18 1. Every person who ~~shall furnish~~ furnishes any material
3 19 or labor for, or ~~perform~~ performs any labor upon, any building
3 20 or land for improvement, alteration, or repair thereof,
3 21 including those engaged in the construction or repair of any
3 22 work of internal or external improvement, and those engaged
3 23 in grading, sodding, installing nursery stock, landscaping,
3 24 sidewalk building, fencing on any land or lot, by virtue of any
3 25 contract with the owner, owner=builder, general contractor,
3 26 or subcontractor shall have a lien upon such building or
3 27 improvement, and land belonging to the owner on which the same
3 28 is situated or upon the land or lot so graded, landscaped,
3 29 fenced, or otherwise improved, altered, or repaired, to secure
3 30 payment for the material or labor furnished or labor performed.

3 31 2. If material is rented by a person to the owner, general
3 32 contractor, or subcontractor, the person shall have a lien
3 33 upon such building, improvement, or land to secure payment for
3 34 the material rental. The lien is for the reasonable rental
3 35 value during the period of actual use of the material and any



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4 1 reasonable periods of nonuse of the material taken into account
4 2 in the rental agreement. The delivery of material to such
4 3 building, improvement, or land, whether or not delivery is made
4 4 by the person, creates a presumption that the material was
4 5 used in the course of alteration, construction, or repair of
4 6 the building, improvement, or land. However, this presumption
4 7 shall not pertain to recoveries sought under a surety bond.

4 8 3. An owner=builder is not entitled to a lien under
4 9 this chapter as to work the owner=builder performs, or is
4 10 contractually obligated to perform, prior to transferring title
4 11 to the buyer.

4 12 Sec. 4. Section 572.8, Code 2011, is amended to read as
4 13 follows:

4 14 572.8 Perfection of lien.

4 15 1. A person shall perfect a mechanic's lien by ~~filing with~~
4 16 ~~the clerk of the district court of the county in which the~~
4 17 ~~building, land, or improvement to be charged with the lien is~~
4 18 ~~situated~~ posting to the state construction registry internet
4 19 website a verified statement of account of the demand due the
4 20 person, after allowing all credits, setting forth:

4 21 a. The date when such material was first furnished or labor
4 22 first performed, and the date on which the last of the material
4 23 was furnished or the last of the labor was performed.

4 24 b. The legal description of the property to be charged with
4 25 the lien.

4 26 c. The name and last known mailing address of the owner of
4 27 the property.

4 28 d. The address of the property or a description of the
4 29 location of the property.

4 30 e. The tax parcel identification number.

4 31 2. Upon ~~the filing~~ posting of the lien, the ~~clerk of court~~
4 32 ~~administrator~~ shall mail a copy of the lien to the owner. If
4 33 the statement of the lien consists of more than one page, the
4 34 ~~clerk~~ administrator may omit such pages as consist solely of an
4 35 accounting of the material furnished or labor performed. In



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5 1 this case, the ~~clerk~~ administrator shall attach a notification
5 2 that pages of accounting were omitted and may be inspected ~~in~~
~~5 3 the clerk's office on the state construction registry internet~~
5 4 website.

5 5 3. A lien perfected under this section shall be limited to
5 6 the county in which the building, land, or improvement to be
5 7 charged with the lien is situated.

5 8 Sec. 5. Section 572.9, Code 2011, is amended to read as
5 9 follows:

5 10 572.9 Time of ~~filing~~ lien posting.

5 11 The statement of account required by section 572.8 shall be
5 12 ~~filed posted~~ by a ~~principal~~ general contractor or subcontractor
5 13 within two years and ninety days after the date on which the
5 14 last of the material was furnished or the last of the labor was
5 15 performed.

5 16 Sec. 6. Section 572.10, Code 2011, is amended to read as
5 17 follows:

5 18 572.10 Perfecting lien after lapse of ninety days.

5 19 A general contractor or a subcontractor may perfect a
5 20 mechanic's lien pursuant to section 572.8 beyond ninety days
5 21 after the date on which the last of the material was furnished
5 22 or the last of the labor was performed by posting a lien to
5 23 the state construction registry internet website and giving
5 24 written notice thereof to the owner. Such notice may be served
5 25 by any person in the manner original notices are required to be
5 26 served. If the party to be served is out of the county wherein
5 27 the property is situated, a return of that fact by the person
5 28 charged with making such service shall constitute sufficient
5 29 service from and after the time it was ~~filed with the clerk of~~
~~5 30 the district court~~ posted to the state construction registry
5 31 internet website.

5 32 Sec. 7. Section 572.11, Code 2011, is amended to read as
5 33 follows:

5 34 572.11 Extent of lien ~~filed~~ posted after ninety days.

5 35 Liens perfected under section 572.10 shall be enforced



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6 1 against the property or upon the bond, if given, by the owner
6 2 or by the owner=builder's buyer, only to the extent of the
6 3 balance due from the owner to the general contractor or from
6 4 the owner=builder's buyer to the owner=builder at the time of
6 5 the service of such notice; but if the bond was given by the
6 6 general contractor or owner=builder, or person contracting with
6 7 the subcontractor filing the claim for a lien, such bond shall
6 8 be enforced to the full extent of the amount found due the
6 9 subcontractor.

6 10 Sec. 8. Section 572.13, Code 2011, is amended by striking
6 11 the section and inserting in lieu thereof the following:
6 12 572.13 General contractor ==== owner notice ==== residential
6 13 construction.

6 14 1. A general contractor who has contracted or will contract
6 15 with a subcontractor to provide labor or furnish material for
6 16 the property shall provide the owner with the following owner
6 17 notice in writing in boldface type of a minimum size of ten
6 18 points:

6 19 "Persons or companies furnishing labor or materials for
6 20 the improvement of real property may enforce a lien upon the
6 21 improved property if they are not paid for their contributions,
6 22 even if the parties have no direct contractual relationship
6 23 with the owner. The state construction registry provides
6 24 a listing of all persons or companies furnishing labor or
6 25 materials who have posted a lien or who may post a lien upon
6 26 the improved property. If the person or company has posted its
6 27 notice or lien to the state construction registry, you may be
6 28 required to pay the person or company even if you have paid the
6 29 general contractor the full amount due. Therefore, check the
6 30 state construction registry internet website for information
6 31 about the property including persons or companies furnishing
6 32 labor or materials before paying your general contractor. In
6 33 addition, when making payment to your general contractor, it is
6 34 important to obtain lien waivers from your general contractor
6 35 and from persons or companies furnishing labor or materials



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7 1 to your property. The information in the state construction
7 2 registry is posted on the internet website of the state
7 3 construction registry."
7 4 2. The notice described in subsection 1 shall also contain
7 5 the internet website address and toll-free telephone number of
7 6 the state construction registry.
7 7 3. A general contractor who fails to provide notice pursuant
7 8 to this section is not entitled to a lien and remedy provided
7 9 by this chapter.
7 10 4. This section applies only to residential construction
7 11 properties.
7 12 Sec. 9. NEW SECTION. 572.13A Notice of commencement of work
7 13 ==== general contractor ==== owner=builder.
7 14 1. A general contractor or owner=builder who has contracted
7 15 or will contract with a subcontractor to provide labor or
7 16 furnish material for the property shall post a notice of
7 17 commencement of work to the state construction registry
7 18 internet website within ten days of commencement of work on
7 19 the property. A notice of commencement of work is effective
7 20 only as to any labor, service, equipment, or material furnished
7 21 to the property subsequent to the posting of the notice of
7 22 commencement of work. A notice of commencement of work shall
7 23 include all of the following information:
7 24 a. The name and address of the property owner.
7 25 b. The name and address of the general contractor or
7 26 owner=builder.
7 27 c. The address of the property if the property can be
7 28 reasonably identified by an address or the name and a general
7 29 description of the location of the property if the property
7 30 cannot be reasonably identified by an address.
7 31 d. A legal description of the property.
7 32 e. The date work commenced.
7 33 f. The tax parcel identification number.
7 34 g. Any other information prescribed by the administrator
7 35 pursuant to rule.



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8 1 2. If a general contractor or owner=builder fails to post
8 2 the required notice of commencement of work to the state
8 3 construction registry internet website pursuant to subsection
8 4 1, within ten days of commencement of the work on the property,
8 5 a subcontractor may post the notice in conjunction with the
8 6 filing of the required preliminary notice pursuant to section
8 7 572.13B.

8 8 3. At the time a notice of commencement of work is posted
8 9 on the state construction registry internet website, the
8 10 administrator shall send a copy of the owner notice described
8 11 in section 572.13 along with other relevant information to the
8 12 owner and to the property address, addressed to "owner", as
8 13 prescribed by the administrator pursuant to rule.

8 14 4. A general contractor who fails to provide notice pursuant
8 15 to this section is not entitled to a lien and remedy provided
8 16 by this chapter.

8 17 5. This section applies only to residential construction
8 18 properties.

8 19 Sec. 10. NEW SECTION. 572.13B Preliminary notice ====
8 20 subcontractor ==== residential construction.

8 21 1. A subcontractor shall post a preliminary notice to the
8 22 state construction registry internet website. A preliminary
8 23 notice posted before the balance due is paid to the general
8 24 contractor or the owner=builder is effective as to all labor,
8 25 service, equipment, and material furnished to the property by
8 26 the subcontractor. The preliminary notice shall contain all
8 27 of the following information:

8 28 a. The name of the owner.

8 29 b. The state construction registry number.

8 30 c. The name, address, and telephone number of the
8 31 subcontractor furnishing the labor, service, equipment, or
8 32 material.

8 33 d. The name and address of the person who contracted
8 34 with the claimant for the furnishing of the labor, service,
8 35 equipment, or material.



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9 1 e. The name of the general contractor or owner=builder under
9 2 which the claimant is performing or will perform the work.

9 3 f. The address of the property or a description of the
9 4 location of the property.

9 5 g. Any other information required by the administrator
9 6 pursuant to rule.

9 7 2. At the time a preliminary notice is posted to the
9 8 state construction registry, the administrator shall send
9 9 notification to the owner, including the owner notice described
9 10 in section 572.13, subsection 1, and shall docket the mailing
9 11 of the notice on the state construction registry as prescribed
9 12 by the administrator pursuant to rule. Notices under this
9 13 section shall be sent to owner=builders. Upon request, the
9 14 administrator shall provide an affidavit of mailing at no cost
9 15 for the notice required under this section.

9 16 3. a. A mechanics' lien perfected under this chapter
9 17 is enforceable only to the extent of the balance due the
9 18 general contractor or the owner=builder at the time of the
9 19 posting of the preliminary notice specified in subsection 1,
9 20 and, except for residential construction property owned by
9 21 an owner=builder, also is enforceable only to the extent of
9 22 the balance due the general contractor at the time the owner
9 23 actually receives the notice provided pursuant to subsection 2
9 24 or paragraph "b".

9 25 b. (1) In any action to enforce a mechanics' lien perfected
9 26 under this chapter against the owner, the subcontractor
9 27 bears the burden to prove by a preponderance of the evidence
9 28 that the owner received notice pursuant to subsection 2. A
9 29 subcontractor may satisfy the burden of proof by providing
9 30 separate notice to an owner by including but not limited to any
9 31 of the following means:

9 32 (a) By certified mail with return receipt.

9 33 (b) By personal service in the manner original notices are
9 34 required to be served.

9 35 (c) By actual notice with a signed receipt from the owner



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10 1 acknowledging notice.

10 2 (2) If the subcontractor provides an affidavit of mailing,
10 3 the presumption is that the owner received the notice on the
10 4 fourth day of business for the post office after the notice was
10 5 sent and the burden of proof shifts from the subcontractor to
10 6 the owner to refute the presumption.

10 7 4. A subcontractor who fails to post a preliminary notice
10 8 pursuant to this section shall not be entitled to a lien and
10 9 remedy provided under this chapter.

10 10 5. This section applies only to residential construction
10 11 properties.

10 12 Sec. 11. Section 572.14, Code 2011, is amended by striking
10 13 the section and inserting in lieu thereof the following:

10 14 572.14 Liability to subcontractor after payment to general
10 15 contractor or owner=builder.

10 16 Except as provided in section 572.13B, payment to the
10 17 general contractor or owner=builder of any part or all of
10 18 the contract price of the building or improvement within
10 19 ninety days after the date on which the last of the materials
10 20 was furnished or the last of the labor was performed by a
10 21 subcontractor, does not relieve the owner from liability to the
10 22 subcontractor for the full value of any material furnished or
10 23 labor performed upon the building, land, or improvement if the
10 24 subcontractor posts a lien within ninety days after the date
10 25 on which the last of the materials was furnished or the last of
10 26 the labor was performed.

10 27 Sec. 12. Section 572.15, Code 2011, is amended to read as
10 28 follows:

10 29 572.15 Discharge of ~~subcontractor's~~ mechanic's lien ==== bond.

10 30 A mechanic's lien may be discharged at any time by ~~the owner,~~
~~10 31 principal contractor, or intermediate subcontractor filing with~~
~~10 32 the clerk of the district court of the county in which the~~
~~10 33 property is located~~ submitting a bond to the administrator in
10 34 twice the amount of the sum for which the claim for the lien
10 35 is filed, with surety or sureties, to be approved by the ~~clerk~~



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~~11 1 administrator, conditioned for the payment of any sum for which~~
11 2 the claimant may obtain judgment upon the claim.

11 3 Sec. 13. Section 572.16, Code 2011, is amended to read as
11 4 follows:

11 5 572.16 Rule of construction.

11 6 Nothing in this chapter shall be construed to require the
11 7 owner to pay a greater amount or at an earlier date than is
11 8 provided in the owner's contract with the ~~principal~~ general
11 9 contractor, unless ~~said~~ the owner pays a part or all of the
11 10 contract price to the ~~original~~ general contractor before the
11 11 expiration of the ninety days allowed by law for the ~~filing~~

~~11 12 posting of a mechanic's lien by a subcontractor; provided~~
11 13 that in the case of ~~an owner-occupied dwelling residential~~
11 14 construction, nothing in this chapter shall be construed to

11 15 require the owner to pay a greater amount or at an earlier date
11 16 than is provided in the owner's contract with the ~~principal~~
~~11 17 general contractor, unless the owner pays a part or all of~~
11 18 the contract price to the ~~principal~~ general contractor after
11 19 ~~receipt of notice under section 572.14, subsection 2 the owner~~
11 20 receives notice pursuant to section 572.13B, subsection 2 or
11 21 subsection 3, paragraph "b".

11 22 Sec. 14. Section 572.17, Code 2011, is amended to read as
11 23 follows:

11 24 572.17 Priority of mechanics' liens between mechanics.

11 25 Mechanics' liens shall have priority over each other in the
11 26 order of the ~~filing~~ posting of the statements ~~or~~ of accounts as
11 27 ~~herein~~ provided in section 572.8.

11 28 Sec. 15. Section 572.18, subsections 1 and 3, Code 2011, are
11 29 amended to read as follows:

11 30 1. Mechanics' liens ~~filed~~ posted by a ~~principal~~ general
11 31 contractor or subcontractor within ninety days after the date
11 32 on which the last of the material was furnished or the last
11 33 of the claimant's labor was performed and for which notices
11 34 were properly posted to the state construction registry
11 35 internet website pursuant to sections 572.13A and 572.13B



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12 1 shall be superior to all other liens which may attach to or
12 2 upon a building or improvement and to the land upon which it
12 3 is situated, except liens of record prior to the time of the
12 4 original commencement of the claimant's work or the claimant's
12 5 improvements, except as provided in subsection 2.

12 6 3. The rights of purchasers, encumbrancers, and other
12 7 persons who acquire interests in good faith, for a valuable
12 8 consideration, and without notice of a lien perfected pursuant
12 9 to this chapter, are superior to the claims of all general
12 10 contractors or subcontractors who have perfected their liens
12 11 more than ninety days after the date on which the last of the
12 12 claimant's material was furnished or the last of the claimant's
12 13 labor was performed.

12 14 Sec. 16. Section 572.22, Code 2011, is amended to read as
12 15 follows:

12 16 572.22 Record of claim.

12 17 ~~The clerk of the court administrator shall endorse upon~~
12 18 ~~every claim for a mechanic's lien filed in the clerk's office~~
~~12 19 posted to the state construction registry internet website the~~
12 20 ~~date and hour of filing posting and make an abstract thereof in~~
~~12 21 the mechanic's lien book kept for that purpose. Said book Each~~
12 22 ~~claim~~ shall be properly indexed and shall contain the following
12 23 items ~~concerning each claim:~~

12 24 1. The name of the person by whom ~~filed~~ posted.

12 25 2. The date and hour of ~~filing~~ posting.

12 26 3. The amount thereof.

12 27 4. The name of the person against whom ~~filed~~ posted.

12 28 5. The legal description of the property to be charged
12 29 ~~therewith.~~

12 30 6. The tax parcel identification number of the property to
12 31 be charged.

12 32 Sec. 17. Section 572.23, Code 2011, is amended to read as
12 33 follows:

12 34 572.23 Acknowledgment of satisfaction of claim.

12 35 1. When a mechanic's lien is satisfied by payment of the



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13 1 claim, the claimant shall acknowledge satisfaction thereof ~~upon~~
~~13 2 the mechanic's lien book, or otherwise in writing,~~ and, if the
13 3 claimant neglects to do so for thirty days after demand in
13 4 writing is personally served upon the claimant, the claimant
13 5 shall forfeit and pay twenty=five dollars to the owner ~~or,~~
~~13 6 general contractor, or owner=builder~~ and be liable to any
13 7 person injured to the extent of the injury.
13 8 2. If ~~acknowledgment of~~ satisfaction is not ~~filed~~
~~13 9 acknowledged~~ within thirty days after service of the demand in
13 10 writing, the party serving the demand or causing the demand to
13 11 be served may file for record with the ~~clerk of the district~~
~~13 12 court administrator~~ a copy of the demand with proofs of service
13 13 attached and endorsed and, in case of service by publication,
13 14 a personal affidavit that personal service could not be made
13 15 within this state. Upon completion of the requirements of this
13 16 subsection, the record shall be constructive notice to all
13 17 parties of the due forfeiture and cancellation of the lien.
13 18 Upon the filing of the demand with the required attachments,
13 19 the ~~clerk of the district court administrator~~ shall mail a
13 20 ~~file=stamped~~ date=stamped copy of the demand to both parties.
13 21 Sec. 18. Section 572.24, subsection 2, Code 2011, is amended
13 22 to read as follows:
13 23 2. An action to challenge a mechanic's lien may be
13 24 commenced in the district court or small claims court if the
13 25 amount of the lien is within jurisdictional limits. Any
13 26 permissible claim or counterclaim meeting subject matter and
13 27 jurisdictional requirements may be joined with the action.
13 28 The court shall make written findings regarding the lawful
13 29 amount and the validity of the mechanic's lien. In addition
13 30 to any other appropriate order, the court may enter judgment
13 31 on a permissibly joined claim or counterclaim. If the court
13 32 determines that the mechanic's lien is invalid, valid for a
13 33 lesser amount, frivolous, fraudulent, forfeited, expired, or
13 34 for any other reason unenforceable, the clerk of the district
13 35 court shall ~~make an entry of record to the mechanic's lien book~~



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~~14 1~~ submit the ruling to the administrator who shall make a posting
14 2 to the state construction registry internet website regarding
14 3 the proper amount of the lien or, if warranted, canceling the
14 4 lien.

14 5 Sec. 19. Section 572.28, subsection 2, Code 2011, is amended
14 6 to read as follows:

14 7 2. If an action is not filed within thirty days after demand
14 8 to commence action is served, the party serving the demand or
14 9 causing the demand to be served may file for record with the
14 10 ~~clerk of the district court~~ administrator a copy of the demand
14 11 with proofs of service attached and endorsed and, in case of
14 12 service by publication, a personal affidavit that personal
14 13 service could not be made within this state. Upon completion
14 14 of the requirements of this subsection, the record shall be
14 15 constructive notice to all parties of the due forfeiture and
14 16 cancellation of the lien. Upon the filing of the demand with
14 17 the required attachments, the ~~clerk of the district court~~
~~14 18~~ administrator shall mail a ~~file-stamped~~ date-stamped copy of
14 19 the demand to both parties.

14 20 Sec. 20. Section 572.30, Code 2011, is amended to read as
14 21 follows:

14 22 572.30 Action by subcontractor or owner against general
14 23 contractor or owner=builder.

14 24 Unless otherwise agreed, a ~~principal~~ general contractor
14 25 or owner=builder who engages a subcontractor to supply
14 26 labor or materials or both for improvements, alterations or
14 27 repairs to a specific ~~owner-occupied dwelling residential~~
14 28 construction property shall pay the subcontractor in full for
14 29 all labor and materials supplied within thirty days after
14 30 the date the ~~principal~~ general contractor or owner=builder
14 31 receives full payment from the owner. If a ~~principal~~ general
14 32 contractor or owner=builder fails without due cause to pay a
14 33 subcontractor as required by this section, the subcontractor,
14 34 or the owner by subrogation, may commence an action against
14 35 the general contractor or owner=builder to recover the amount



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15 1 due. Prior to commencing an action to recover the amount
15 2 due, a subcontractor, or the owner by subrogation, shall give
15 3 notice of nonpayment of the cost of labor or materials to
15 4 the principal general contractor or owner=builder paid for
15 5 the improvement. Notice of nonpayment must be in writing,
15 6 delivered in a reasonable manner, and in terms that reasonably
15 7 identify the real estate improved and the nonpayment complained
15 8 of. In an action to recover the amount due a subcontractor,
15 9 or the owner by subrogation, under this section, the court
15 10 in addition to actual damages, shall award a successful
15 11 plaintiff exemplary damages against the general contractor
15 12 or owner=builder in an amount not less than one percent
15 13 and not exceeding fifteen percent of the amount due the
15 14 subcontractor, or the owner by subrogation, for the labor and
15 15 materials supplied, unless the principal general contractor or
15 16 owner=builder does one or both of the following, in which case
15 17 no exemplary damages shall be awarded:
15 18 1. Establishes that all proceeds received from the person
15 19 making the payment have been applied to the cost of labor or
15 20 material furnished for the improvement.
15 21 2. Within fifteen days after receiving notice of nonpayment
15 22 the principal general contractor or owner=builder gives a
15 23 bond or makes a deposit with the ~~clerk of the district court~~
15 24 administrator, in an amount not less than the amount necessary
15 25 to satisfy the nonpayment for which notice has been given
15 26 under this section, and in a form approved by a judge of the
15 27 district court, to hold harmless the owner or person having
15 28 the improvement made from any claim for payment of anyone
15 29 furnishing labor or material for the improvement, other than
15 30 the principal general contractor or owner=builder.
15 31 Sec. 21. Section 572.31, Code 2011, is amended to read as
15 32 follows:
15 33 572.31 Cooperative and condominium housing.
15 34 A lien arising under this chapter as a result of the
15 35 construction of an apartment house or apartment building which



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16 1 is owned on a cooperative basis under chapter 499A, or which is
16 2 submitted to a horizontal property regime under chapter 499B,
16 3 is not enforceable, notwithstanding any contrary provision
16 4 of this chapter, as against the interests of an owner in ~~an~~
~~16 5 owner-occupied dwelling~~ a unit contained in the apartment
16 6 house or apartment building acquired in good faith and for
16 7 valuable consideration, unless a lien statement specifically
16 8 describing the ~~dwelling~~ unit is filed under section 572.8
16 9 within the applicable time period specified in section 572.9,
16 10 but determined from the date on which the last of the material
16 11 was supplied or the last of the labor was performed in the
16 12 construction of that ~~dwelling~~ unit.
16 13 Sec. 22. Section 572.32, Code 2011, is amended to read as
16 14 follows:
16 15 572.32 Attorney fees ==== remedies.
16 16 1. In a court action to enforce a mechanic's lien, ~~if~~
~~16 17 the plaintiff furnished labor or materials directly to the~~
~~16 18 defendant,~~ a prevailing plaintiff may be awarded reasonable
16 19 attorney fees.
16 20 2. In a court action to challenge a mechanic's lien ~~filed~~
~~16 21 posted on an owner-occupied dwelling~~ a residential construction
16 22 property, if the person challenging the lien prevails, the
16 23 court may award reasonable attorney fees and actual damages.
16 24 If the court determines that the mechanic's lien was ~~filed~~
~~16 25 posted~~ in bad faith or the supporting affidavit was materially
16 26 false, the court shall award the owner reasonable attorney fees
16 27 plus an amount not less than five hundred dollars or the amount
16 28 of the lien, whichever is less.
16 29 Sec. 23. Section 572.33, Code 2011, is amended to read as
16 30 follows:
16 31 572.33 Requirement of notification for commercial
16 32 construction.
16 33 1. The notification requirements in this section apply only
16 34 to commercial construction.
16 35 ~~1-~~ 2. A person furnishing labor or materials to a



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17 1 subcontractor shall not be entitled to a lien under this
17 2 chapter unless the person furnishing labor or materials does
17 3 all of the following:

17 4 a. Notifies the ~~principal~~ general contractor or
17 5 owner=builder in writing with a one=time notice containing
17 6 the name, mailing address, and telephone number of the
17 7 person furnishing the labor or materials, and the name of the
17 8 subcontractor to whom the labor or materials were furnished,
17 9 within thirty days of first furnishing labor or materials for
17 10 which a lien claim may be made. Additional labor or materials
17 11 furnished by the same person to the same subcontractor for
17 12 use in the same construction project shall be covered by this
17 13 notice.

17 14 b. Supports the lien claim with a certified statement that
17 15 the ~~principal~~ general contractor or owner=builder was notified
17 16 in writing with a one=time notice containing the name, mailing
17 17 address, and telephone number of the person furnishing the
17 18 labor or materials, and the name of the subcontractor to whom
17 19 the labor or materials were furnished, within thirty days
17 20 after the labor or materials were first furnished, pursuant to
17 21 paragraph "a".

17 22 2. ~~This section shall not apply to a mechanic's lien on~~
17 23 ~~single-family or two-family dwellings occupied or used or~~
17 24 ~~intended to be occupied or used for residential purposes.~~

17 25 3. Notwithstanding other provisions of this chapter, a
17 26 ~~principal~~ general contractor or owner=builder shall not be
17 27 prohibited from requesting information from a subcontractor
17 28 or a person furnishing labor or materials to a subcontractor
17 29 regarding payments made or payments to be made to a person
17 30 furnishing labor or materials to a subcontractor.

17 31 Sec. 24. NEW SECTION. 572.33A Liability of owner to general
17 32 contractor ==== commercial construction.

17 33 An owner of a building, land, or improvement upon which
17 34 a mechanic's lien of a subcontractor may be filed, is not
17 35 required to pay the general contractor for compensation for



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18 1 work done or material furnished for the building, land, or
18 2 improvement until the expiration of ninety days after the
18 3 completion of the building or improvement unless the general
18 4 contractor furnishes to the owner one of the following:
18 5 1. Receipts and waivers of claims for mechanics' liens,
18 6 signed by all persons who furnished material or performed labor
18 7 for the building, land, or improvement.
18 8 2. A good and sufficient bond to be approved by the owner,
18 9 conditioned that the owner shall be held harmless from any
18 10 loss which the owner may sustain by reason of the filing of
18 11 mechanics' liens by subcontractors.
18 12 Sec. 25. NEW SECTION. 572.34 State construction registry
18 13 ==== residential construction.
18 14 1. A state construction registry is created and shall be
18 15 administered by the administrator. The administrator shall
18 16 adopt rules pursuant to chapter 17A for the creation and
18 17 administration of the registry.
18 18 2. The state construction registry shall be accessible
18 19 to the general public through the administrator's internet
18 20 website.
18 21 3. The registry shall be indexed by owner name, general
18 22 contractor name, state construction registry number, property
18 23 address, legal description, tax parcel identification number,
18 24 and any other identifier considered appropriate as determined
18 25 by the administrator pursuant to rule.
18 26 4. A general contractor, owner=builder, or subcontractor
18 27 who posts fictitious, forged, or false information to the
18 28 state construction registry shall be subject to a penalty as
18 29 determined by the administrator by rule in addition to all
18 30 other penalties and remedies available under applicable law.
18 31 5. A person may post a correction statement with respect to
18 32 a record indexed in the state construction registry internet
18 33 website if the person believes the record is inaccurate or
18 34 wrongfully posted.
18 35 6. The administrator shall charge and collect fees as



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19 1 established by rule necessary for the administration and
19 2 maintenance of the registry and the registry's internet
19 3 website. The administrator shall not charge a filing fee for
19 4 a preliminary notice required pursuant to this chapter that
19 5 exceeds the cost of sending such notice by certified mail with
19 6 restricted delivery and return receipt. The administrator
19 7 shall not charge a filing fee for a mechanics' lien that
19 8 exceeds forty dollars.
19 9 7. Notices may be posted to the state construction registry
19 10 electronically on the administrator's internet website, or
19 11 may be sent to the administrator for posting by United States
19 12 mail or facsimile transmission, or other alternate method
19 13 as provided by the administrator pursuant to rule. Notices
19 14 received by United States mail or facsimile transmission shall
19 15 be posted by the administrator to the state construction
19 16 registry within three business day of receipt.
19 17 8. Mechanics' liens may be posted to the state construction
19 18 registry electronically on the administrator's internet website
19 19 or may be sent to the administrator for posting by United
19 20 States mail. Liens received by United States mail shall be
19 21 posted by the administrator to the state construction registry
19 22 within three business days of receipt.
19 23 9. The administrator shall send a receipt acknowledging a
19 24 notice or lien submitted by United States mail or facsimile
19 25 transmission, as provided by the administrator by rule.
19 26 10. Information collected by and furnished to the
19 27 administrator in conjunction with the submission and posting
19 28 of notices pursuant to sections 572.13A and 572.13B shall be
19 29 used by the administrator solely for the purposes of the state
19 30 construction registry.
19 31 11. Registration under chapter 91C shall not be required in
19 32 order to post a notice or a lien under this chapter.
19 33 Sec. 26. Section 602.8102, subsection 82, Code 2011, is
19 34 amended to read as follows:
19 35 82. Carry out duties relating to liens as provided in



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20 1 chapters 249A, ~~572~~, 574, 580, 582, and 584.
20 2 Sec. 27. APPROPRIATION. There is appropriated from the
20 3 general fund to the secretary of state for the following
20 4 fiscal years, the following amounts, or so much thereof as is
20 5 necessary, to be used for the purposes designated:
20 6 For the creation and administration of the state
20 7 construction registry:
20 8 FY 2012=2013..... \$ 150,000
20 9 FY 2013=2014..... \$ 150,000
20 10 Sec. 28. EFFECTIVE DATE. This Act takes effect January 1,
20 11 2013.

20 12 EXPLANATION

20 13 This bill relates to mechanics' liens including the
20 14 establishment of a state construction registry and provides an
20 15 effective date.

20 16 The bill changes all references to "principal contractor"
20 17 and "contractor" to "general contractor", defined in the
20 18 bill to mean a person who does work or furnishes materials
20 19 by contract, express or implied, with an owner. "General
20 20 contractor" does not include a person who does work or
20 21 furnishes materials on contract with an owner=builder.

20 22 The bill defines "owner=builder" as the legal or equitable
20 23 titleholder of record who furnishes material or performs
20 24 labor upon a building, erection, or other improvement, or who
20 25 contracts with a subcontractor to furnish material or perform
20 26 labor upon a building, erection, or other improvement and
20 27 who offers or intends to offer to sell the owner=builder's
20 28 property without occupying or using the structures, properties,
20 29 developments, or improvements for more than one year from the
20 30 date the structure, property, development, or improvement
20 31 is substantially completed or abandoned. The bill extends
20 32 provisions currently in the Code for general contractors to
20 33 owner=builders. These provisions relate to perfecting a lien,
20 34 the acknowledgment of a lien that has been satisfied by payment
20 35 of a claim, actions by subcontractors or owners to recover



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21 1 amounts due, and certain notification requirements.
21 2 The bill provides for the perfection of a mechanic's lien
21 3 by posting a verified statement of account to the state
21 4 construction registry internet website maintained by the
21 5 administrator of the registry (the secretary of state),
21 6 rather than by filing such statement with the district court.
21 7 The bill provides that a person who intends to perfect a
21 8 mechanic's lien shall include the address of the property or a
21 9 description of the location of the property and the tax parcel
21 10 identification number in the person's verified statement.
21 11 The bill provides that a general contractor who has
21 12 contracted or will contract with a subcontractor to provide
21 13 labor or furnish material for the property shall provide the
21 14 owner with an owner notice stating that persons or companies
21 15 furnishing labor or materials for the improvement of real
21 16 property may enforce a lien upon the improved property if they
21 17 are not paid, even if the parties have no direct contractual
21 18 relationship with the owner. The notice shall also provide
21 19 information relating to the availability of information posted
21 20 on the state construction registry established by the bill.
21 21 A general contractor who fails to provide such notice to
21 22 the owner is not entitled to a mechanic's lien and remedies
21 23 pursuant to Code chapter 572.
21 24 The bill provides that a general contractor or owner=builder
21 25 who has contracted or will contract with a subcontractor to
21 26 provide labor or furnish material for the property shall post
21 27 a notice of commencement of work, including certain specific
21 28 information, to the state construction registry internet
21 29 website.
21 30 The bill requires a subcontractor to post a preliminary
21 31 notice, including certain specific information, to the state
21 32 construction registry internet website. A preliminary notice
21 33 posted before the balance due is paid to the general contractor
21 34 or owner=builder by the owner is effective as to all labor,
21 35 service, equipment, or material furnished to the property



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22 1 subsequent to the posting of the notice of commencement of
22 2 work. A subcontractor who fails to post a preliminary notice
22 3 shall not be entitled to a lien and remedy provided under Code
22 4 chapter 572.

22 5 The bill provides that the provisions relating to the
22 6 requirement that a general contractor and a subcontractor
22 7 post notices to the state construction registry apply only to
22 8 residential construction properties.

22 9 The bill provides that payment to the general contractor or
22 10 owner=builder by the owner of any part or all of the contract
22 11 price of the building or improvement within 90 days after the
22 12 date on which the last of the materials was furnished or the
22 13 last of the labor was performed by a subcontractor, does not
22 14 relieve the owner from liability to the subcontractor for the
22 15 full value of any material furnished or labor performed upon
22 16 the building, land, or improvement if the subcontractor files
22 17 a lien within 90 days after the date on which the last of the
22 18 materials was furnished or the last of the labor was performed.

22 19 The bill provides for the creation of a state construction
22 20 registry for residential construction property for the
22 21 posting of notices by general contractors, owner=builders, and
22 22 subcontractors which such persons must post in order to protect
22 23 their lien rights. The state construction registry, once
22 24 created, shall be a publicly accessible centralized electronic
22 25 database created and maintained by the administrator. The
22 26 administrator shall adopt rules pursuant to Code chapter 17A
22 27 for the creation and administration of the registry. The
22 28 registry provides a centralized resource of all persons or
22 29 companies furnishing labor or materials who may file a lien
22 30 upon the improved property. Data collected by and furnished to
22 31 the administrator in conjunction with the posting of notices to
22 32 the state construction registry internet website shall be used
22 33 by the administrator for the purposes of the registry.

22 34 The bill eliminates the requirement that the clerk of court
22 35 make an abstract of a claim for a mechanic's lien and requires



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23 1 the administrator to record the date and hour of filing of a
23 2 claim for a mechanic's lien and to index every claim.
23 3 The bill appropriates \$150,000 for FY 2012=2013 and for FY
23 4 2013=2014 to the administrator for creation and administration
23 5 of the state construction registry.
23 6 The bill takes effect January 1, 2013.
LSB 2236HV (3) 84
rh/nh



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House File 634 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 201)

A BILL FOR

1 An Act relating to wind energy development and production.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TLSB 2705HV (1) 84
 rn/nh



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1 1 Section 1. Section 476B.5, subsection 4, Code 2011, is
1 2 amended to read as follows:
1 3 4. The maximum amount of nameplate generating capacity of
1 4 all qualified facilities the board may find eligible under
1 5 this chapter shall not exceed one hundred ~~fifty~~ megawatts of
1 6 nameplate generating capacity.
1 7 Sec. 2. Section 476C.1, subsection 6, paragraph d, Code
1 8 2011, is amended to read as follows:
1 9 d. Was initially placed into service on or after July 1,
1 10 2005, and before January 1, ~~2012~~ 2013.
1 11 Sec. 3. Section 476C.3, subsection 4, Code 2011, is amended
1 12 to read as follows:
1 13 4. The maximum amount of nameplate generating capacity
1 14 of all wind energy conversion facilities the board may find
1 15 eligible under this chapter shall not exceed three hundred
1 16 ~~thirty~~ sixty=three megawatts of nameplate generating capacity.
1 17 The maximum amount of energy production capacity equivalent of
1 18 all other facilities the board may find eligible under this
1 19 chapter shall not exceed a combined output of twenty megawatts
1 20 of nameplate generating capacity and one hundred sixty=seven
1 21 billion British thermal units of heat for a commercial
1 22 purpose. Of the maximum amount of energy production capacity
1 23 equivalent of all other facilities found eligible under this
1 24 chapter, fifty=five billion British thermal units of heat for a
1 25 commercial purpose shall be reserved for an eligible facility
1 26 that is a refuse conversion facility for processed, engineered
1 27 fuel from a multicounty solid waste management planning area.
1 28 The maximum amount of energy production capacity the board
1 29 may find eligible for a single refuse conversion facility
1 30 is fifty=five billion British thermal units of heat for a
1 31 commercial purpose.
1 32 EXPLANATION
1 33 This bill relates to wind energy production and development.
1 34 The bill decreases the maximum amount of nameplate
1 35 generating capacity for all qualified facilities eligible for



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House File 634 - Introduced continued

2 1 the wind energy production tax credit specified in Code chapter
2 2 476B from 150 megawatts to 100 megawatts.
2 3 The bill extends the time period during which an eligible
2 4 renewable energy facility seeking to qualify for the renewable
2 5 energy tax credit in Code chapter 476C shall have been placed
2 6 in service by one year to before January 1, 2013.
2 7 The bill increases the maximum amount of nameplate
2 8 generating capacity for all wind energy conversion facilities
2 9 eligible for the renewable energy tax credit from 330 megawatts
2 10 to 363 megawatts, in recognition of a waiting list for receipt
2 11 of the tax credit as established in Code section 476C.3,
2 12 subsection 5.

LSB 2705HV (1) 84

rn/nh



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House File 635 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 335)

A BILL FOR

1 An Act relating to the construction and installation of
2 geothermal heat pumps, providing income tax credits for such
3 construction and installation, and including effective date
4 and retroactive applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2648HV (4) 84

rn/nh



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1 1 Section 1. NEW SECTION. 422.11Y Geothermal heat pump tax
1 2 credit.
1 3 The taxes imposed under this division, less the credits
1 4 allowed under sections 422.12 and 422.12B, shall be reduced by
1 5 a geothermal heat pump tax credit under section 473B.2.
1 6 Sec. 2. Section 441.21, subsection 8, Code 2011, is amended
1 7 to read as follows:
1 8 8. a. Any normal and necessary repairs to a building, not
1 9 amounting to structural replacements or modification, shall not
1 10 increase the taxable value of the building. This paragraph
1 11 applies only to repairs of two thousand five hundred dollars
1 12 or less per building per year.
1 13 b. Notwithstanding paragraph "a", any construction or
1 14 installation of a solar energy system on property classified
1 15 as agricultural, residential, commercial, or industrial
1 16 property, or a geothermal heat pump on property classified
1 17 as residential, shall not increase the actual, assessed and
1 18 taxable values of the property for five full assessment years.
1 19 c. As used in this subsection, "solar energy system" means
1 20 either of the following:
1 21 (1) A system of equipment capable of collecting and
1 22 converting incident solar radiation or wind energy into
1 23 thermal, mechanical or electrical energy and transforming these
1 24 forms of energy by a separate apparatus to storage or to a
1 25 point of use which is constructed or installed after January
1 26 1, 1978.
1 27 (2) A system that uses the basic design of the building to
1 28 maximize solar heat gain during the cold season and to minimize
1 29 solar heat gain in the hot season and that uses natural
1 30 means to collect, store, and distribute solar energy which is
1 31 constructed or installed after January 1, 1981.
1 32 d. As used in this subsection, "geothermal heat pump"
1 33 means a system or equipment which uses the ground or ground
1 34 water as a thermal energy source to heat a residence or as a
1 35 thermal energy sink to cool a residence, which meets energy



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2 1 efficiency standards and guidelines pursuant to the energy
2 2 star program developed and jointly administered by the United
2 3 States environmental protection agency and the United States
2 4 department of energy in effect at the time of construction or
2 5 installation.

2 6 ~~d.~~ e. In assessing and valuing the property for tax
2 7 purposes, the assessor shall disregard any market value
2 8 added by a solar energy system or a geothermal heat pump to a
2 9 building. The director of revenue shall adopt rules, after
2 10 consultation with the office of energy independence, specifying
2 11 the types of equipment and structural components to be included
2 12 under the guidelines provided in this subsection.

2 13 Sec. 3. NEW SECTION. 473B.1 Definitions.

2 14 As used in this chapter, unless the context otherwise
2 15 requires:

2 16 1. "Allowable costs" means amounts incurred in the
2 17 construction or installation of a geothermal heat pump which
2 18 are determined by the department by rule to qualify for the tax
2 19 credit issued pursuant to section 473B.2.

2 20 2. "Department" means the department of economic
2 21 development.

2 22 3. "Geothermal heat pump" means a system or equipment
2 23 which uses the ground or ground water as a thermal energy
2 24 source to heat a residence or as a thermal energy sink to
2 25 cool a residence, which meets energy efficiency standards
2 26 and guidelines pursuant to the energy star program developed
2 27 and jointly administered by the United States environmental
2 28 protection agency and the United States department of energy in
2 29 effect at the time of construction or installation.

2 30 Sec. 4. NEW SECTION. 473B.2 Tax credit.

2 31 1. A geothermal heat pump tax credit shall be issued for the
2 32 allowable costs incurred in the construction or installation
2 33 of a geothermal heat pump equal to five percent of the cost of
2 34 the construction or installation, subject to a maximum credit
2 35 of three thousand dollars. Any credit issued in excess of



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3 1 tax liability for the taxable year during which construction
3 2 or installation occurs may be carried forward and applied in
3 3 future taxable years.
3 4 2. The credit shall be limited to allowable costs in
3 5 connection to a residence which is owned and used either as a
3 6 primary or vacation residence by a property owner applying for
3 7 the credit. Rental property shall not qualify as residential
3 8 property for purposes of the credit.
3 9 3. A geothermal heat pump shall not be required to include
3 10 water heating to qualify for the tax credit.
3 11 Sec. 5. NEW SECTION. 473B.3 Tax credit certificate ====
3 12 application and issuance.
3 13 1. To receive a geothermal heat pump tax credit as described
3 14 in section 473B.2, a taxpayer shall file an application
3 15 with the department, the form and content of which shall be
3 16 determined by the department by rule. If upon receipt of a
3 17 completed application, the department finds that the person is
3 18 qualified for a geothermal heat pump tax credit, the department
3 19 shall calculate the amount of the tax credit for which the
3 20 person is eligible and shall issue a geothermal tax credit
3 21 certificate to the person or notify the person in writing
3 22 of its refusal to do so. The tax credit certificate may be
3 23 applied against tax owed pursuant to chapter 422, division II,
3 24 for the year in which the allowable costs were incurred.
3 25 2. A person whose application for a geothermal heat pump
3 26 tax credit certificate is denied may file an appeal with the
3 27 department within sixty days from the date of denial pursuant
3 28 to the provisions of chapter 17A.
3 29 3. If a geothermal heat pump tax credit certificate is
3 30 allowed with respect to a residence, and such residence is
3 31 sold, the credit for the period after the sale which would have
3 32 been allowable under this chapter to the prior owner had the
3 33 property not been sold shall be allowable to the new owner. A
3 34 tax credit for the year of sale shall be allocated between the
3 35 parties on the basis of the number of days during such year



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4 1 that the property was owned by each.

4 2 Sec. 6. NEW SECTION. 473B.4 Reporting.

4 3 On or before January 1, annually, the department shall
4 4 submit a written report to the governor and the general
4 5 assembly regarding the number and value of geothermal heat
4 6 pump tax credit certificates issued under this chapter, and
4 7 any other information the department may deem meaningful and
4 8 appropriate.

4 9 Sec. 7. EFFECTIVE AND RETROACTIVE APPLICABILITY
4 10 DATES. This Act, being deemed of immediate importance, takes
4 11 effect upon enactment and is retroactively applicable to tax
4 12 years beginning on or after January 1, 2011.

4 13 EXPLANATION

4 14 This bill relates to the impact of the construction and
4 15 installation of geothermal heat pumps on residential property
4 16 values, and provides income tax credits for such construction
4 17 and installation.

4 18 The bill defines a "geothermal heat pump" to mean a system or
4 19 equipment which uses the ground or ground water as a thermal
4 20 energy source to heat a residence or as a thermal energy sink
4 21 to cool a residence, which meets energy efficiency standards
4 22 and guidelines pursuant to the energy star program developed
4 23 and jointly administered by the United States environmental
4 24 protection agency and the United States department of energy in
4 25 effect at the time of construction or installation.

4 26 The bill adds geothermal heat pumps to current provisions
4 27 involving solar energy systems providing that their
4 28 construction or installation will not increase the actual,
4 29 assessed, and taxable property values for five full assessment
4 30 years. This is limited to residential property in the case of
4 31 a geothermal heat pump.

4 32 The bill additionally provides that allowable costs, as
4 33 determined by the department of economic development, incurred
4 34 in the construction or installation of a geothermal heat pump
4 35 shall be eligible for a personal income tax credit of 5 percent



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5 1 of the cost of construction or installation, up to a maximum
5 2 of \$3,000. The bill states that any credit issued in excess of
5 3 tax liability for the taxable year during which construction
5 4 or installation occurs may be carried forward and applied in
5 5 future taxable years, and that the credit shall be limited
5 6 to a residence which is owned and used either as a primary
5 7 or vacation residence, and shall not be applicable to rental
5 8 property.

5 9 The bill specifies tax credit certificate application and
5 10 issuance procedures, provides for the filing of an appeal in
5 11 the event an application is denied, and provides for credit
5 12 allocation in the event a residence is sold during the year in
5 13 which the tax credit applies.

5 14 The bill directs the department to submit a written report on
5 15 or before January 1 annually to the governor and the general
5 16 assembly regarding the number and value of geothermal heat pump
5 17 tax credit certificates issued and any other information the
5 18 department deems meaningful and appropriate.

5 19 The bill takes effect upon enactment and applies
5 20 retroactively to tax years beginning on or after January 1,
5 21 2011.

LSB 2648HV (4) 84

rn/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 636 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO HF 413)

A BILL FOR

1 An Act relating to urban revitalization areas by authorizing
2 a property tax exemption for certain vacant commercial
3 property, and including effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2410HV (1) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House File 636 - Introduced continued

PAG LIN

1 1 Section 1. Section 404.3, subsections 5 and 6, Code 2011,
1 2 are amended to read as follows:
1 3 5. A city or county may adopt a different tax exemption
1 4 schedule than those allowed in subsection 1, 2, 3, or 4. The
1 5 different schedule adopted shall not allow a greater exemption,
1 6 but may allow a smaller exemption, in a particular year,
1 7 than allowed in the schedule specified in the corresponding
1 8 subsection of this section. A different schedule adopted by a
1 9 city or county shall apply to every revitalization area within
1 10 the city or county, unless the qualified property is eligible
1 11 for an exemption pursuant to section 404.3A, ~~or~~ 404.3B, or
1 12 404.3C, and except in areas of the city or county which have
1 13 been designated as both urban renewal and urban revitalization
1 14 areas. In an area designated for both urban renewal and urban
1 15 revitalization, a city or county may adopt a different schedule
1 16 than has been adopted for revitalization areas which have not
1 17 been designated as urban renewal areas.
1 18 6. The owners of qualified real estate eligible for the
1 19 exemption provided in this section or section 404.3A, ~~or~~
1 20 404.3B, or 404.3C shall elect to take the applicable exemption
1 21 or shall elect to take the applicable exemption provided in
1 22 the different schedule authorized by subsection 5 and adopted
1 23 in the city or county plan if a different schedule has been
1 24 adopted. Once the election has been made and the exemption
1 25 granted, the owner is not permitted to change the method of
1 26 exemption.
1 27 Sec. 2. NEW SECTION. 404.3C Vacant commercial property
1 28 exemption.
1 29 1. Notwithstanding the schedules provided for in sections
1 30 404.3 and 404.3B, a city or county may provide that all
1 31 qualified real estate assessed as commercial property that is
1 32 vacant on the date the exemption is adopted, has been vacant
1 33 for at least the six months prior to the date the exemption
1 34 is adopted, and meets one or more of the following conditions
1 35 is eligible to receive an exemption from taxation based on a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 636 - Introduced continued

2 1 schedule established by the applicable city or county under
2 2 subsection 2 or 3:
2 3 a. The real estate regularly attracts unauthorized
2 4 residential use, unlicensed transient business, unauthorized
2 5 disposal of trash, or unauthorized parking.
2 6 b. The assessed value of the real estate has declined during
2 7 the period of time when the real estate has been vacant.
2 8 c. The real estate is determined to contain one or more
2 9 nuisances under chapter 657 or to be a public nuisance as
2 10 defined in section 657A.1, subsection 7.
2 11 2. a. All qualified real estate described in subsection 1
2 12 is eligible to receive an exemption from taxation on the actual
2 13 value added by the improvements. The exemption is for a period
2 14 of fifteen years. The amount of the partial exemption shall
2 15 be established by the applicable city or county and is equal
2 16 to a percent of the actual value added by the improvements,
2 17 determined as follows:
2 18 (1) For the first year, not more than eighty percent.
2 19 (2) For the second year, not more than seventy=five percent.
2 20 (3) For the third year, not more than seventy percent.
2 21 (4) For the fourth year, not more than sixty=five percent.
2 22 (5) For the fifth year, not more than sixty percent.
2 23 (6) For the sixth year, not more than fifty=five percent.
2 24 (7) For the seventh year, not more than fifty percent.
2 25 (8) For the eighth year, not more than forty=five percent.
2 26 (9) For the ninth year, not more than forty percent.
2 27 (10) For the tenth year, not more than thirty=five percent.
2 28 (11) For the eleventh year, not more than thirty percent.
2 29 (12) For the twelfth year, not more than twenty=five
2 30 percent.
2 31 (13) For the thirteenth year, not more than twenty percent.
2 32 (14) For the fourteenth year, not more than twenty percent.
2 33 (15) For the fifteenth year, not more than twenty percent.
2 34 b. All qualified real estate described in subsection 1 is,
2 35 in lieu of the exemption schedule established under paragraph



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House File 636 - Introduced continued

3 1 "a", eligible to receive an exemption from taxation established
3 2 by the applicable city or county not to exceed one hundred
3 3 percent on the actual value added by the improvements. The
3 4 exemption is for a period of five years.
3 5 3. All qualified real estate described in subsection 1 is,
3 6 in lieu of the exemption schedules under subsection 2, eligible
3 7 to receive an exemption from taxation on the actual value added
3 8 by the improvements if such improvements meet or exceed the
3 9 gold rating standard, or other comparable nationally recognized
3 10 environmental building rating standard identified by ordinance
3 11 of the city or county, and if such improvements are designed,
3 12 constructed, and certified to exceed standard 90.1=2007,
3 13 published by the American society of heating, refrigerating,
3 14 and air conditioning engineers, by thirty percent. For the
3 15 purposes of this subsection, "gold rating standard" means the
3 16 United States green building council leadership in energy and
3 17 environmental design green building rating standard, referred
3 18 to as the gold standard. Compliance with the requirements
3 19 of this subsection relating to standard 90.1=2007, published
3 20 by the American society of heating, refrigerating, and air
3 21 conditioning engineers, shall be certified by a qualified,
3 22 licensed engineer. The exemption is for a period of ten
3 23 years. The amount of the exemption shall be established by
3 24 the applicable city or county and is equal to a percent of the
3 25 actual value added by the improvements, determined as follows:
3 26 a. For the first year, not more than one hundred percent.
3 27 b. For the second year, not more than one hundred percent.
3 28 c. For the third year, not more than one hundred percent.
3 29 d. For the fourth year, not more than one hundred percent.
3 30 e. For the fifth year, not more than one hundred percent.
3 31 f. For the sixth year, not more than eighty percent.
3 32 g. For the seventh year, not more than sixty percent.
3 33 h. For the eighth year, not more than forty percent.
3 34 i. For the ninth year, not more than twenty percent.
3 35 j. For the tenth year, not more than ten percent.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 636 - Introduced continued

4 1 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
4 2 immediate importance, takes effect upon enactment.

4 3 EXPLANATION

4 4 This bill relates to revitalization areas by authorizing a
4 5 property tax exemption for certain vacant commercial property.

4 6 The bill creates new Code section 404.3C that establishes
4 7 a property tax exemption for qualified real estate of a
4 8 revitalization area under Code chapter 404 that is assessed
4 9 as commercial property, remained vacant for a period of six
4 10 consecutive months, and which meets one or more specified
4 11 conditions. Those conditions include that the real estate
4 12 regularly attracts unauthorized residential use, unlicensed
4 13 transient business, unauthorized disposal of trash, or
4 14 unauthorized parking; that the assessed value of the real
4 15 estate has declined during the period of time when the real
4 16 estate has been vacant; and that the real estate is determined
4 17 to contain one or more specified nuisances.

4 18 The bill establishes a 15-year exemption schedule that
4 19 provides exemptions for each year ranging from not more than 80
4 20 percent to not more than 20 percent. The bill also establishes
4 21 a five-year exemption schedule, in lieu of the 15-year
4 22 schedule, that provides a 100 percent exemption for each of
4 23 the five years. For qualified real estate that includes
4 24 improvements meeting the LEED gold rating standard, as defined
4 25 in the bill, the bill provides an alternative 10-year exemption
4 26 schedule that begins with a 100 percent exemption for the first
4 27 five years and then is reduced each year during the last five
4 28 years of the exemption.

4 29 The bill takes effect upon enactment.

LSB 2410HV (1) 84
md/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 637 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HF 120)

A BILL FOR

1 An Act requiring annual increases in fees allowed for copies of
2 certain medical records or reports in workers' compensation
3 cases, and including effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1878HV (3) 84

av/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House File 637 - Introduced continued

PAG LIN

1 1 Section 1. WORKERS' COMPENSATION ==== COPYING FEES. The
1 2 workers' compensation commissioner shall adopt rules providing
1 3 for an annual increase in the amount allowed in administrative
1 4 rules in effect upon enactment of this provision, to be paid
1 5 to a medical provider or its agent for furnishing duplicates
1 6 of records or reports. The increase shall be made on an
1 7 annual basis and equal the percentage increase in the consumer
1 8 price index published in the federal register by the federal
1 9 department of labor, bureau of labor statistics, that reflects
1 10 the percentage increase in the consumer price index for the
1 11 twelve-month period ending June 30 of each year. The amount of
1 12 the fees allowed for such duplicates shall be published in the
1 13 Iowa administrative bulletin each year.
1 14 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 15 immediate importance, takes effect upon enactment.
1 16 EXPLANATION
1 17 This bill requires the workers' compensation commissioner
1 18 to adopt rules providing for an annual increase in the amount
1 19 allowed in administrative rules in effect upon enactment of
1 20 the bill, to be paid to a medical provider or its agent for
1 21 furnishing duplicates of records or reports. The increase
1 22 shall be made on an annual basis and equal to the percentage
1 23 increase in the consumer price index published in the federal
1 24 register by the federal department of labor, bureau of labor
1 25 statistics, that reflects the percentage increase in the
1 26 consumer price index for the 12-month period ending June 30 of
1 27 each year. The amount of the fees allowed for such duplicates
1 28 must be published in the Iowa administrative bulletin each
1 29 year.
1 30 Administrative rule 876 IAC 8.9 contains a schedule of the
1 31 amount allowed for the actual expense to prepare duplicates
1 32 which is currently an amount not to exceed \$20 for 1 to 20
1 33 pages; \$20 plus \$1 per page for 21 to 30 pages; \$30 plus \$.50
1 34 per page for 31 to 100 pages; \$65 plus \$.25 per page for 101 to
1 35 200 pages; \$90 plus \$.10 per page for more than 200 pages, and



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House File 637 - Introduced continued

2 1 the actual expense of postage.

2 2 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House Joint Resolution 15 - Introduced

HOUSE JOINT RESOLUTION
BY DE BOEF

HOUSE JOINT RESOLUTION

1 A Joint Resolution making application to the Congress of the
2 United States under Article V of the Constitution of the
3 United States, for the calling of a convention for proposing
4 amendments limited to specified subject areas.
5 WHEREAS, Article V of the Constitution of the United States
6 provides for the Congress of the United States to call a
7 convention for proposing amendments to the Constitution of
8 the United States upon application of the legislatures of
9 two-thirds of the states; NOW THEREFORE,
10 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2391YH (5) 84
jp/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House Joint Resolution 15 - Introduced continued

PAG LIN

1 1 Section 1. This resolution constitutes the application by
1 2 the Iowa General Assembly to the Congress of the United States,
1 3 under the provisions of Article V of the Constitution of the
1 4 United States, to call a convention for proposing amendments to
1 5 the Constitution of the United States.

1 6 Sec. 2. This application is for a convention limited to
1 7 considering and proposing amendments to the Constitution of the
1 8 United States on the following subjects.

1 9 1. Improving the fiscal management of the federal
1 10 government by doing any or all of the following: imposing
1 11 requirements, with any stated exceptions, that federal
1 12 expenditures during a fixed time period shall not exceed
1 13 federal revenues or anticipated revenues during that time
1 14 period; imposing prohibitions or limits on federal debt; or
1 15 imposing limits on expenditures, revenue, or taxes.

1 16 2. Improving the legislative process of the Congress of the
1 17 United States by doing any or all of the following: requiring
1 18 that all bills, orders, votes, and resolutions introduced in
1 19 and passed by the Congress contain only a single subject or
1 20 by providing a minimum time period before passage for bills,
1 21 orders, votes, and resolutions to be reviewed by members of
1 22 Congress and members of the general public.

1 23 3. Restraining the powers of the federal government by doing
1 24 any or all of the following: clarifying that the Constitution
1 25 of the United States does not authorize the Congress of
1 26 the United States to employ its spending power to regulate
1 27 activities otherwise outside its enumerated powers; or by
1 28 prohibiting mandates or requirements on any state, subdivision
1 29 of any state, or any official of any state, unless the federal
1 30 government fully funds the cost of compliance.

1 31 4. Empowering the legislatures of the several states, with
1 32 stated exceptions, to repeal all or certain parts of the acts
1 33 of Congress of the United States or administrative regulations.

1 34 Sec. 3.

1 35 1. This resolution shall be deemed an application for a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House Joint Resolution 15 - Introduced continued

2 1 convention to address each and any of the enumerated subjects.
2 2 2. That for purposes of determining whether two-thirds
2 3 of the states have applied for a convention addressing
2 4 any subject, this resolution is to be aggregated with the
2 5 applications of any other state legislatures limited to one or
2 6 more of the enumerated subjects.

2 7 Sec. 4.

2 8 1. This resolution provides a continuing application and
2 9 remains in effect until rescission by the Iowa General Assembly.

2 10 2. This resolution does not constitute a recognition that
2 11 any particular activity currently undertaken by the federal
2 12 government is authorized by the Constitution of the United
2 13 States.

2 14 Sec. 5. Upon passage of this resolution the Chief Clerk
2 15 of the House of Representatives shall transmit copies of the
2 16 resolution to the President and Secretary of the United States
2 17 Senate, the Speaker and Clerk of the United States House of
2 18 Representatives, and the Archivist of the United States, and
2 19 shall also transmit copies to the members of the United States
2 20 Senate and House of Representatives from this state and to the
2 21 presiding officers of each of the legislative chambers of the
2 22 other states, requesting their cooperation.

2 23 EXPLANATION

2 24 This joint resolution makes application to Congress of the
2 25 United States, as authorized by Article V of the Constitution
2 26 of the United States, for the calling of a convention for
2 27 proposing amendments to that constitution.

2 28 The subject matter enumerated by the resolution for the
2 29 constitutional convention is limited to the following subjects:
2 30 improving fiscal management of the federal government,
2 31 improving the legislative process of the Congress, restraining
2 32 the powers of the federal government, and empowering state
2 33 legislatures, with exceptions, to repeal all or parts of the
2 34 acts of Congress or administrative regulations.

2 35 Article V of the Constitution of the United States requires



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House Joint Resolution 15 - Introduced continued

3 1 application by two-thirds of the states in order for Congress
3 2 to be required to call a convention. The joint resolution
3 3 specifies that this resolution is to be aggregated with other
3 4 state applications for a convention that contains one or more
3 5 of the enumerated subjects.
3 6 The resolution also provides that the application remains
3 7 in effect until rescinded by a general assembly and does not
3 8 constitute recognition that any particular activity currently
3 9 undertaken by the federal government is authorized by the
3 10 Constitution of the United States.
3 11 Upon passage of the resolution, the chief clerk of the
3 12 house of representatives is required to transmit copies to
3 13 various congressional and federal officials, members of Iowa's
3 14 congressional delegation, and the presiding officers of the
3 15 legislative chambers of each state.

LSB 2391YH (5) 84

jp/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House Resolution 19 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY KOESTER and BERRY

1 1 A Resolution honoring TRIO programs and TRIO students
1 2 in the state of Iowa.

1 3 WHEREAS, TRIO programs assist first-generation,
1 4 low-income, and disabled students in their pursuit of
1 5 higher education, bridging the educational attainment
1 6 gap for this demographic, and making college access a
1 7 reality for thousands of otherwise underrepresented
1 8 Iowans; and

1 9 WHEREAS, TRIO students are assisted with all facets
1 10 of the college admissions and financial aid process,
1 11 guided through the education pipeline, helped in
1 12 overcoming class, social, academic, and cultural
1 13 barriers to higher education, all of which is done
1 14 in an effort to guarantee their preparedness for, and
1 15 success in, postsecondary education; and

1 16 WHEREAS, TRIO students commit their time and energy
1 17 to the pursuit of higher education, give back to their
1 18 schools and communities, and work tirelessly to better
1 19 themselves, their families, and all who they come in
1 20 contact with; and

1 21 WHEREAS, TRIO students go on to graduate from
1 22 institutions of higher education, become successful
1 23 working professionals, and end the cycles of poverty,
1 24 ignorance, and lack of access to higher education; NOW
1 25 THEREFORE,

1 26 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
1 27 the House of Representatives honors those TRIO programs
1 28 and students who commit to increasing the number of



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House Resolution 19 - Introduced continued

2 1 first=generation, low=income, and disabled students
2 2 who attend and graduate from institutions of higher
2 3 education.

LSB 2430HH (3) 84

jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House Resolution 20 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY MURPHY, HEIN, ISENHART, LUKAN, and MOORE

1 1 A Resolution to recognize the centennial anniversary of
1 2 IBM.
1 3 WHEREAS, on June 16, 2011, IBM will celebrate its
1 4 100-year anniversary; and
1 5 WHEREAS, in 1911, the Computing Tabulating Recording
1 6 Corporation was formed, the legendary Thomas J.
1 7 Watson, Sr. became its general manager and president
1 8 in the following years, and in 1924, the company was
1 9 reorganized and renamed the International Business
1 10 Machines Corporation, later abbreviated as IBM; and
1 11 WHEREAS, in its first century, IBM has created
1 12 technological discoveries that have transformed
1 13 our lives, from the first electronic calculator and
1 14 programmable computers, to the chip powering the
1 15 leading gaming consoles, to the chess master Deep Blue,
1 16 to the Jeopardy! champion Watson; and
1 17 WHEREAS, through innovation and technological
1 18 discovery, IBM ushered in the information age and has
1 19 improved our world by creating cleaner air and water,
1 20 better crime-fighting systems for cities, and lower
1 21 incidence of AIDS, influenza, and other infectious
1 22 diseases; and
1 23 WHEREAS, today IBM is continuing to shape the
1 24 world, investing \$6 billion annually in research and
1 25 development, employing globally more than 400,000
1 26 employees, and developing the practices and discoveries
1 27 that are creating a "Smarter Planet"; and
1 28 WHEREAS, IBM is also assisting growing cities



**Iowa General Assembly
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House Resolution 20 - Introduced continued

2 1 around the world including Dubuque, Iowa, to establish
2 2 solutions to build "Smarter Cities" by reducing
2 3 traffic congestion and resulting air pollution;
2 4 digitizing health records to improve patient care;
2 5 improving access to and quality of education; enhancing
2 6 surveillance systems to reduce crime rates; sourcing
2 7 and managing power more intelligently; and improving
2 8 quality, supply, and access to water; NOW THEREFORE,
2 9 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 10 That the House of Representatives congratulates the
2 11 men and women of IBM for 100 years of dedication and
2 12 innovation, for their pivotal role in the unparalleled
2 13 progress in the Twentieth Century, and for the
2 14 promise of a bright future they offer all of us in the
2 15 Twenty-first Century.

LSB 2728HH (3) 84

jr/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House Study Bill 220

HOUSE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
HOUSE APPROPRIATIONS
SUBCOMMITTEE ON
TRANSPORTATION,
INFRASTRUCTURE, AND
CAPITALS)

A BILL FOR

1 An Act relating to and making, reducing, and transferring
2 appropriations to state departments and agencies from
3 the rebuild Iowa infrastructure fund, the technology
4 reinvestment fund, the revenue bonds capitals fund, and
5 other funds, providing for related matters and including
6 effective date provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1008HB (1) 84
rh/tm



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House Study Bill 220 continued

PAG LIN

1 1 DIVISION I
1 2 REBUILD IOWA INFRASTRUCTURE FUND
1 3 Section 1. There is appropriated from the rebuild Iowa
1 4 infrastructure fund to the following departments and agencies
1 5 for the following fiscal years, the following amounts, or so
1 6 much thereof as is necessary, to be used for the purposes
1 7 designated:
1 8 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
1 9 a. For projects related to major repairs and major
1 10 maintenance for state buildings and facilities:
1 11 FY 2011=2012..... \$ 7,500,000
1 12 b. (1) For the restoration and maintenance of the Japanese
1 13 bell and bell house monument on the state capitol complex
1 14 grounds:
1 15 FY 2011=2012..... \$ 25,000
1 16 (2) Of the amount appropriated in this lettered paragraph,
1 17 \$15,000 shall be deposited in the monument maintenance account
1 18 established under section 8A.321, subsection 14. Moneys
1 19 deposited in the account pursuant to this subparagraph shall be
1 20 used by the department for the ongoing maintenance and repair
1 21 of the Japanese bell monument and surrounding gardens located
1 22 on the state capitol complex. The remaining \$10,000 shall be
1 23 used for the purchase of a plaque and site improvements. Any
1 24 moneys remaining from the \$10,000 after the purchase of the
1 25 plaque and site improvements shall be deposited in the monument
1 26 maintenance account and shall not revert but shall remain
1 27 available indefinitely in the account and be available for the
1 28 uses identified in this lettered paragraph.
1 29 c. For repair, replacement, and refurbishing of exterior
1 30 granite wall panels, skylights, exterior sealant, and related
1 31 exterior improvements of the state historical building:
1 32 FY 2011=2012..... \$ 1,200,000
1 33 d. For infrastructure improvements, including fire safety
1 34 and security systems, in the secretary of state offices in the
1 35 Lucas state office building:



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House Study Bill 220 continued

2 1 FY 2011=2012..... \$ 45,000
2 2 2. DEPARTMENT FOR THE BLIND
2 3 For replacement of air handlers and related improvements:
2 4 FY 2011=2012..... \$ 1,065,674
2 5 3. DEPARTMENT OF CORRECTIONS
2 6 a. For the construction project and one-time furniture,
2 7 fixture, and equipment costs at Fort Madison:
2 8 FY 2011=2012..... \$ 7,155,077
2 9 FY 2012=2013..... \$ 16,269,124
2 10 FY 2013=2014..... \$ 3,000,000
2 11 b. For the construction project and one-time equipment
2 12 costs at the Iowa correctional facility for women at
2 13 Mitchellville:
2 14 FY 2011=2012..... \$ 5,861,556
2 15 FY 2012=2013..... \$ 2,891,062
2 16 FY 2013=2014..... \$ 26,769,040
2 17 4. DEPARTMENT OF EDUCATION
2 18 a. To the public broadcasting division for the purchase of a
2 19 building in the city of Johnston:
2 20 FY 2011=2012..... \$ 1,255,550
2 21 b. For major renovation and major repair needs, including
2 22 health, life, and fire safety needs, and for compliance
2 23 with the federal Americans With Disabilities Act, for state
2 24 buildings and facilities under the purview of the community
2 25 colleges:
2 26 FY 2011=2012..... \$ 2,000,000
2 27 5. DEPARTMENT OF NATURAL RESOURCES
2 28 a. For floodplain management and dam safety,
2 29 notwithstanding section 8.57, subsection 6, paragraph "c":
2 30 FY 2011=2012..... \$ 2,000,000
2 31 Of the amounts appropriated in this lettered paragraph,
2 32 up to \$400,000 is authorized for stream gages to be used
2 33 for tracking and predicting flood events and for compiling
2 34 necessary data relating to flood frequency analysis.
2 35 b. For implementation of lake projects that have



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

House Study Bill 220 continued

3 1 established watershed improvement initiatives and community
3 2 support in accordance with the department's annual lake
3 3 restoration plan and report, notwithstanding section 8.57,
3 4 subsection 6, paragraph "c":
3 5 FY 2011=2012..... \$ 8,600,000
3 6 6. DEPARTMENT OF PUBLIC DEFENSE
3 7 a. For major maintenance projects at national guard
3 8 armories and facilities:
3 9 FY 2011=2012..... \$ 2,000,000
3 10 b. For renovation and facility improvements at the
3 11 Muscatine readiness center:
3 12 FY 2011=2012..... \$ 100,000
3 13 c. For construction improvement projects at statewide
3 14 readiness centers:
3 15 FY 2011=2012..... \$ 1,800,000
3 16 d. For construction upgrades at Camp Dodge:
3 17 FY 2011=2012..... \$ 1,000,000
3 18 e. For renovation, repair, and related improvements at the
3 19 joint force headquarters building:
3 20 FY 2011=2012..... \$ 1,000,000
3 21 7. BOARD OF REGENTS
3 22 a. For allocation by the state board of regents to the
3 23 state university of Iowa, the Iowa state university of
3 24 science and technology, and the university of northern Iowa to
3 25 reimburse the institutions for deficiencies in the operating
3 26 funds resulting from the pledging of tuition, student fees
3 27 and charges, and institutional income to finance the cost of
3 28 providing academic and administrative buildings and facilities
3 29 and utility services at the institutions, notwithstanding
3 30 section 8.57, subsection 6, paragraph "c":
3 31 FY 2011=2012..... \$ 24,305,412
3 32 b. For the Iowa flood center at the state university of Iowa
3 33 for use by the university's college of engineering, pursuant
3 34 to section 466C.1, notwithstanding section 8.57, subsection 6,
3 35 paragraph "c":



Iowa General Assembly
Daily Bills, Amendments & Study Bills

House Study Bill 220 continued

4 1 FY 2011=2012..... \$ 1,300,000
4 2 c. For fire, safety and other major maintenance projects at
4 3 the regents institutions:
4 4 FY 2011=2012..... \$ 4,000,000
4 5 d. For construction, renovation, and related improvements
4 6 for phase II of the agricultural and biosystems engineering
4 7 complex, including classrooms, laboratories, and offices at
4 8 Iowa state university of science and technology:
4 9 FY 2011=2012..... \$ 4,000,000
4 10 FY 2012=2013..... \$ 22,000,000
4 11 FY 2013=2014..... \$ 22,000,000
4 12 FY 2014=2015..... \$ 12,400,000
4 13 e. For the renovation and related improvements to the dental
4 14 science building at the state university of Iowa including but
4 15 not limited to renovation of clinical spaces and development of
4 16 a multidisciplinary clinical area:
4 17 FY 2011=2012..... \$ 3,000,000
4 18 FY 2012=2013..... \$ 14,000,000
4 19 FY 2013=2014..... \$ 10,000,000
4 20 FY 2014=2015..... \$ 2,000,000
4 21 f. For renovation and related improvements for Bartlett
4 22 hall at the university of northern Iowa including providing
4 23 faculty offices, seminar rooms, and laboratories in the
4 24 building and the associated demolition of Baker hall:
4 25 FY 2011=2012..... \$ 3,000,000
4 26 FY 2012=2013..... \$ 9,808,000
4 27 FY 2013=2014..... \$ 8,192,000
4 28 8. DEPARTMENT OF TRANSPORTATION
4 29 a. For acquiring, constructing, and improving recreational
4 30 trails within the state:
4 31 FY 2011=2012..... \$ 2,000,000
4 32 b. For deposit into the public transit infrastructure
4 33 grant fund created in section 324A.6A, for projects that meet
4 34 the definition of "vertical infrastructure" in section 8.57,
4 35 subsection 6, paragraph "c":



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House Study Bill 220 continued

5 1 FY 2011=2012..... \$ 2,000,000
5 2 c. For infrastructure improvements at the commercial
5 3 service airports within the state:
5 4 FY 2011=2012..... \$ 1,500,000
5 5 d. For infrastructure improvements at general aviation
5 6 airports within the state:
5 7 FY 2011=2012..... \$ 750,000
5 8 9. TREASURER OF STATE
5 9 For distribution in accordance with chapter 174 to qualified
5 10 fairs which belong to the association of Iowa fairs for county
5 11 fair infrastructure improvements:
5 12 FY 2011=2012..... \$ 1,060,000
5 13 10. DEPARTMENT OF VETERANS AFFAIRS
5 14 a. For transfer to the Iowa finance authority for the
5 15 continuation of the home ownership assistance program for
5 16 persons who are or were eligible members of the armed forces of
5 17 the United States, pursuant to section 16.54, notwithstanding
5 18 section 8.57, subsection 6, paragraph "c":
5 19 FY 2011=2012..... \$ 1,000,000
5 20 b. For the Iowa veterans home to upgrade generator emissions
5 21 controls to meet required stack emissions for four generators
5 22 and related improvements:
5 23 FY 2011=2012..... \$ 750,000
5 24 Sec. 2. REVERSION. For purposes of section 8.33, unless
5 25 specifically provided otherwise, unencumbered or unobligated
5 26 moneys made from an appropriation in this division of this Act
5 27 shall not revert but shall remain available for expenditure for
5 28 the purposes designated until the close of the fiscal year that
5 29 ends three years after the end of the fiscal year for which the
5 30 appropriation is made. However, if the project or projects for
5 31 which such appropriation was made are completed in an earlier
5 32 fiscal year, unencumbered or unobligated moneys shall revert at
5 33 the close of that same fiscal year.
5 34 DIVISION II
5 35 TECHNOLOGY REINVESTMENT FUND



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6 1 Sec. 3. There is appropriated from the technology
6 2 reinvestment fund created in section 8.57C to the following
6 3 departments and agencies for the following fiscal years, the
6 4 following amounts, or so much thereof as is necessary, to be
6 5 used for the purposes designated:

6 6 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
6 7 For technology improvement projects:
6 8 FY 2011=2012..... \$ 1,643,728
6 9 2. DEPARTMENT OF CORRECTIONS
6 10 For costs associated with the Iowa corrections offender
6 11 network data system:
6 12 FY 2011=2012..... \$ 500,000
6 13 3. DEPARTMENT OF EDUCATION
6 14 a. For maintenance and lease costs associated with
6 15 connections for part III of the Iowa communications network:
6 16 FY 2011=2012..... \$ 2,727,000
6 17 b. For the implementation of an educational data warehouse
6 18 that will be utilized by teachers, parents, school district
6 19 administrators, area education agency staff, department of
6 20 education staff, and policymakers:
6 21 FY 2011=2012..... \$ 600,000
6 22 The department may use a portion of the moneys appropriated
6 23 in this lettered paragraph for an e=transcript data system
6 24 capable of tracking students throughout their education via
6 25 interconnectivity with multiple schools.

6 26 4. DEPARTMENT OF HUMAN RIGHTS
6 27 For the cost of equipment and computer software for the
6 28 implementation of Iowa's criminal justice information system:
6 29 FY 2011=2012..... \$ 1,689,307
6 30 5. DEPARTMENT OF HUMAN SERVICES
6 31 To be used for medical contracts under the medical
6 32 assistance program for technology upgrades necessary to support
6 33 Medicaid claims and other health operations, worldwide HIPAA
6 34 claims transactions and coding requirements, and the Iowa
6 35 automated benefits calculation system:



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House Study Bill 220 continued

7 1 FY 2011=2012..... \$ 3,494,176
7 2 FY 2012=2013..... \$ 4,667,600
7 3 FY 2013=2014..... \$ 4,267,600
7 4 FY 2014=2015..... \$ 1,945,684
7 5 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION
7 6 For replacement of equipment for the Iowa communications
7 7 network:
7 8 FY 2011=2012..... \$ 2,248,653
7 9 The commission may continue to enter into contracts pursuant
7 10 to section 8D.13 for the replacement of equipment and for
7 11 operation and maintenance costs of the network.
7 12 In addition to funds appropriated in this subsection, the
7 13 commission may use a financing agreement entered into by the
7 14 treasurer of state in accordance with section 12.28 for the
7 15 replacement of equipment for the network. For purposes of
7 16 this subsection, the treasurer of state is not subject to
7 17 the maximum principal limitation contained in section 12.28,
7 18 subsection 6. Repayment of any amounts financed shall be made
7 19 from receipts associated with fees charged for use of the
7 20 network.
7 21 7. DEPARTMENT OF MANAGEMENT
7 22 To develop a searchable database that can be placed on the
7 23 internet for budget and financial information:
7 24 FY 2011=2012..... \$ 600,000
7 25 8. DEPARTMENT OF PUBLIC SAFETY
7 26 For the provision of radio communications upgrades and
7 27 digital radio conversions:
7 28 FY 2011=2012..... \$ 3,500,000
7 29 FY 2012=2013..... \$ 5,500,000
7 30 FY 2013=2014..... \$ 3,500,000
7 31 Of the amounts appropriated in this subsection, the
7 32 department of public safety shall work with the departments
7 33 of corrections and natural resources to accomplish the radio
7 34 communications upgrades and digital radio conversions.
7 35 Sec. 4. REVERSION. For purposes of section 8.33, unless



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House Study Bill 220 continued

8 1 specifically provided otherwise, unencumbered or unobligated
8 2 moneys made from an appropriation in this division of this Act
8 3 shall not revert but shall remain available for expenditure for
8 4 the purposes designated until the close of the fiscal year that
8 5 ends three years after the end of the fiscal year for which the
8 6 appropriation is made. However, if the project or projects for
8 7 which such appropriation was made are completed in an earlier
8 8 fiscal year, unencumbered or unobligated moneys shall revert at
8 9 the close of that same fiscal year.

8 10 DIVISION III

8 11 REVENUE BONDS CAPITALS

8 12 FUND ==== APPROPRIATIONS

8 13 Sec. 5. There is appropriated from the revenue bonds
8 14 capitals fund created in section 12.88, to the department of
8 15 corrections for the fiscal year beginning July 1, 2011, and
8 16 ending June 30, 2012, the following amount, or so much thereof
8 17 as is necessary, to be used for the purposes designated:
8 18 For the construction project and one-time equipment costs at
8 19 the Iowa correctional facility for women at Mitchellville:
8 20 \$ 4,130,952

8 21 DIVISION IV

8 22 MISCELLANEOUS CODE CHANGES

8 23 Sec. 6. Section 8.57, subsection 6, paragraph f, Code 2011,
8 24 is amended to read as follows:

8 25 f. There is appropriated from the rebuild Iowa
8 26 infrastructure fund to the secure an advanced vision for
8 27 education fund created in section 423F.2, for each fiscal
8 28 year of the fiscal period beginning July 1, 2008, and ending
8 29 June 30, 2010, ~~and for each fiscal year of the fiscal period~~
~~8 30 beginning July 1, 2011, and ending June 30, 2014,~~ the amount of
8 31 the moneys in excess of the first forty-seven million dollars
8 32 credited to the rebuild Iowa infrastructure fund during the
8 33 fiscal year, not to exceed ten million dollars.

8 34 Sec. 7. Section 8.57A, subsection 4, Code 2011, is amended
8 35 to read as follows:



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House Study Bill 220 continued

9 1 4. a. There is appropriated from the rebuild Iowa
9 2 infrastructure fund for the fiscal ~~years~~ year beginning July
9 3 ~~1, 2008, July 1, 2009, and July 1, 2011~~ 2013, and for each
9 4 fiscal year thereafter, the sum of forty=two million dollars
9 5 to the environment first fund, notwithstanding section 8.57,
9 6 subsection 6, paragraph "c".
9 7 b. There is appropriated from the rebuild Iowa
9 8 infrastructure fund each fiscal year for the ~~fiscal year~~ period
9 9 beginning July 1, 2010, and ending June 30, ~~2011~~ 2013, the sum
9 10 of thirty=three million dollars to the environment first fund,
9 11 notwithstanding section 8.57, subsection 6, paragraph "c".
9 12 Sec. 8. Section 8.57C, subsection 3, paragraphs a and c,
9 13 Code 2011, are amended to read as follows:
9 14 a. There is appropriated from the general fund of the state
9 15 for the fiscal ~~years~~ year beginning ~~July 1, 2006, July 1,~~
9 16 ~~2007, July 1, 2011~~ 2012, and for each subsequent fiscal year
9 17 thereafter, the sum of seventeen million five hundred thousand
9 18 dollars to the technology reinvestment fund.
9 19 c. There is appropriated from the rebuild Iowa
9 20 infrastructure fund for the fiscal year beginning July 1, 2010,
9 21 and ending June 30, 2011, the sum of ten million dollars to the
9 22 technology reinvestment fund, notwithstanding section 8.57,
9 23 subsection 6, paragraph "c".
9 24 Sec. 9. Section 8.57C, subsection 3, Code 2011, is amended
9 25 by adding the following new paragraph:
9 26 NEW PARAGRAPH. d. There is appropriated from the rebuild
9 27 Iowa infrastructure fund for the fiscal year beginning July 1,
9 28 2011, and ending June 30, 2012, the sum of seventeen million
9 29 dollars to the technology reinvestment fund, notwithstanding
9 30 section 8.57, subsection 6, paragraph "c".
9 31 Sec. 10. Section 12.82, Code 2011, is amended by adding the
9 32 following new subsection:
9 33 NEW SUBSECTION. 3A. Any amounts remaining in the school
9 34 infrastructure fund at the end of the fiscal year beginning
9 35 July 1, 2010, and for each fiscal year thereafter shall be



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10 1 transferred to the rebuild Iowa infrastructure fund.

10 2 Sec. 11. Section 15F.204, subsection 8, paragraph b, Code
10 3 2011, is amended by striking the paragraph.

10 4 Sec. 12. Section 16.181A, subsection 1, Code 2011, is
10 5 amended to read as follows:

10 6 1. There is appropriated from the rebuild Iowa
10 7 infrastructure fund to the Iowa finance authority for deposit
10 8 in the housing trust fund created in section 16.181, for the
10 9 fiscal year ~~beginning July 1, 2009, and beginning July 1, 2011~~
~~10 10 2013~~, and for each succeeding fiscal year, the sum of three
10 11 million dollars.

10 12 Sec. 13. Section 16.193, subsection 2, Code 2011, is amended
10 13 to read as follows:

10 14 2. ~~During the term of the Iowa jobs program established~~
~~10 15 in section 16.194 and the Iowa jobs II program established~~
~~10 16 in section 16.194A~~ For the period beginning July 1, 2009,
10 17 and ending June 30, 2011, two hundred thousand dollars of
10 18 the moneys deposited in the rebuild Iowa infrastructure
10 19 fund shall be allocated each fiscal year to the Iowa finance
10 20 authority for purposes of administering the Iowa jobs program,
10 21 notwithstanding section 8.57, subsection 6, paragraph "c".

10 22 Sec. 14. EFFECTIVE UPON ENACTMENT. The section of this
10 23 division amending section 12.82, being deemed of immediate
10 24 importance, takes effect upon enactment.

10 25

DIVISION V

10 26 CHANGES TO PRIOR APPROPRIATIONS

10 27 Sec. 15. 2006 Iowa Acts, chapter 1179, section 18, is
10 28 amended by adding the following new subsection:

10 29 NEW SUBSECTION. 4. Except for the allocation to Des Moines
10 30 area community college and notwithstanding section 8.33, moneys
10 31 appropriated from the endowment for Iowa's health restricted
10 32 capitals fund for the fiscal year beginning July 1, 2006, and
10 33 ending June 30, 2007, in this division of this Act to the
10 34 department of public safety for allocation to the division of
10 35 fire protection that remain unencumbered or unobligated at the



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11 1 close of the fiscal year shall not revert but shall remain
11 2 available for expenditure for the purposes designated until
11 3 the close of the fiscal year beginning July 1, 2011, or until
11 4 the project for which appropriated is completed, whichever is
11 5 earlier.

11 6 Sec. 16. 2008 Iowa Acts, chapter 1179, section 1, subsection
11 7 13, paragraph c, as amended by 2009 Iowa Acts, chapter 184,
11 8 section 22, is amended by striking the paragraph.

11 9 Sec. 17. 2008 Iowa Acts, chapter 1179, section 7, as amended
11 10 by 2009 Iowa Acts, chapter 173, section 21, and 2010 Iowa Acts,
11 11 chapter 1184, section 58, is amended to read as follows:

11 12 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
11 13 appropriated from the rebuild Iowa infrastructure fund to
11 14 the department of economic development for the designated
11 15 fiscal years the following amounts, or so much thereof as is
11 16 necessary, to be used for the purposes designated:

11 17 For deposit into the river enhancement community attraction
11 18 and tourism fund created in 2008 Iowa Acts, Senate File 2430,
11 19 if enacted:

11 20 FY 2009=2010	\$	0
11 21 FY 2010=2011.....	\$	0
11 22 FY 2011=2012	\$	10,000,000
11 23		<u>0</u>
11 24 FY 2012=2013	\$	10,000,000
11 25		<u>0</u>

11 26 ~~Notwithstanding section 8.33, moneys appropriated in this~~
~~11 27 section for the fiscal year beginning July 1, 2011, and ending~~
~~11 28 June 30, 2012, shall not revert at the close of the fiscal year~~
~~11 29 for which they are appropriated but shall remain available~~
~~11 30 for the purpose designated until the close of the fiscal year~~
~~11 31 that begins July 1, 2014, or until the project for which the~~
~~11 32 appropriation was made is completed, whichever is earlier.~~

11 33 ~~Notwithstanding section 8.33, moneys appropriated in this~~
~~11 34 section for the fiscal year beginning July 1, 2012, and ending~~
~~11 35 June 30, 2013, shall not revert at the close of the fiscal year~~



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~~12 1 for which they are appropriated but shall remain available~~
~~12 2 for the purpose designated until the close of the fiscal year~~
~~12 3 that begins July 1, 2015, or until the project for which the~~
~~12 4 appropriation was made is completed, whichever is earlier.~~
12 5 Sec. 18. 2009 Iowa Acts, chapter 184, section 1, subsection
12 6 12, paragraph a, as amended by 2010 Iowa Acts, chapter 1184,
12 7 section 71, is amended to read as follows:
12 8 a. For deposit in the passenger rail service revolving
12 9 fund created in section 327J.2, notwithstanding section 8.57,
12 10 subsection 6, paragraph "c":
12 11 \$ 3,000,000
12 12 302,007
12 13 Sec. 19. 2010 Iowa Acts, chapter 1184, section 2, subsection
12 14 3, is amended to read as follows:
12 15 3. DEPARTMENT OF TRANSPORTATION
12 16 For deposit into the passenger rail service revolving
12 17 fund created in section 327J.2 for matching federal funding
12 18 available through the federal Passenger Rail Investment
12 19 and Improvement Act of 2008 for passenger rail service,
12 20 notwithstanding section 8.57, subsection 6, paragraph "c":
12 21 FY 2011=2012..... \$ 6,500,000
12 22 0
12 23 ~~It is the intent of the general assembly to fund up to~~
~~12 24 \$20 million over a four-year period to fully fund the state~~
~~12 25 commitment for matching federal funding available through the~~
~~12 26 federal Passenger Rail Investment and Improvement Act of 2008.~~
12 27 Sec. 20. 2010 Iowa Acts, chapter 1184, section 10,
12 28 subsection 8, is amended to read as follows:
12 29 8. TREASURER OF STATE
12 30 For transfer to the watershed improvement review board
12 31 created in section 466A.3 for grants associated with the
~~12 32 construction and restoration of wetland easements and flood~~
~~12 33 prevention watershed improvement projects:~~
12 34 \$ 2,000,000
12 35 Notwithstanding section 466A.5, moneys from the



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13 1 appropriation in this subsection shall not be used for
13 2 administrative purposes.

13 3 Sec. 21. 2010 Iowa Acts, chapter 1184, section 14, is
13 4 amended to read as follows:

13 5 SEC. 14. There is appropriated from the ~~FY 2009 prison~~
~~13 6 bonding fund created pursuant to section 12.79~~ rebuild Iowa
13 7 infrastructure fund to the department of corrections for the
13 8 fiscal year beginning July 1, 2010, and ending June 30, 2011,
13 9 the following amount, or so much thereof as is necessary, to be
13 10 used for the purpose designated, notwithstanding section 8.57,
13 11 subsection 6, paragraph "c":

13 12 ~~For costs associated with the building of a new Iowa State~~
~~13 13 penitentiary at Fort Madison~~ project management costs at Fort
13 14 Madison and Mitchellville prisons, associated with construction
13 15 projects at the department:

13 16 \$ 322,500

13 17 ~~The appropriation made in this section constitutes approval~~
~~13 18 by the general assembly for the issuance of bonds by the~~
~~13 19 treasurer of state pursuant to section 12.80.~~

13 20 Sec. 22. 2010 Iowa Acts, chapter 1184, section 16, is
13 21 amended to read as follows:

13 22 SEC. 16. There is appropriated from the Iowa comprehensive
13 23 petroleum underground storage tank fund to the department of
13 24 transportation for the fiscal year beginning July 1, 2010, and
13 25 ending June 30, 2011, the following amount, or so much thereof
13 26 as is necessary, to be used for the purposes designated:

13 27 Notwithstanding section 455G.3, subsection 1, for deposit in
13 28 the passenger rail service revolving fund created in section
13 29 327J.2:

13 30 \$ 2,000,000

13 31 ~~Such funds shall be coupled with the remaining unobligated~~
~~13 32 balance of up to one million five hundred thousand dollars from~~
~~13 33 the appropriation made in 2009 Iowa Acts, chapter 184, section~~
~~13 34 1, subsection 12, paragraph "a", for a total commitment of~~
~~13 35 three million five hundred thousand dollars for the fiscal year~~



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~~14 1 beginning July 1, 2010, and ending June 30, 2011, for matching
14 2 federal funding available through the Passenger Rail Investment
14 3 and Improvement Act of 2008.~~

14 4 On the effective date of this section of this 2011 Iowa
14 5 Act, moneys appropriated in this section that are unobligated
14 6 or unencumbered on June 30, 2011, shall be transferred to the
14 7 rebuild Iowa infrastructure fund.

14 8 Sec. 23. 2010 Iowa Acts, chapter 1184, section 37, is
14 9 amended to read as follows:

14 10 SEC. 37. SITE DEVELOPMENT CONSULTATIONS APPROPRIATION.

14 11 There is appropriated from the school infrastructure fund
14 12 created in section 12.82 to the department of economic
14 13 development for the fiscal year beginning July 1, 2010, and
14 14 ending June 30, 2011, the following amount, or so much thereof
14 15 as is necessary, to be used for the purposes designated:

14 16 For providing site development consultations pursuant to
14 17 section 15E.18, including salaries, support, maintenance,
14 18 miscellaneous purposes, and for not more than the following
14 19 full-time equivalent positions, notwithstanding section 12.82,
14 20 subsection 1:

14 21	\$	175,000
14 22	FTEs	1.00

14 23 Of the moneys appropriated to the department pursuant to
14 24 this section, the department may allocate up to \$75,000 for
14 25 purposes of contracting with third parties to provide site
14 26 development consultations.

14 27 Sec. 24. 2010 Iowa Acts, chapter 1184, section 39, is
14 28 amended to read as follows:

14 29 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE APPROPRIATION.

14 30 There is appropriated from the school infrastructure fund
14 31 created in section 12.82 to the department of economic
14 32 development for the fiscal year beginning July 1, 2010, and
14 33 ending June 30, 2011, the following amount, or so much thereof
14 34 as is necessary, to be used for the purposes designated:

14 35 For purposes of creating a business assistance internet



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15 1 site, notwithstanding section 12.82, subsection 1:
15 2 \$ 20,000
15 3 Sec. 25. 2010 Iowa Acts, chapter 1184, section 43, is
15 4 amended to read as follows:
15 5 SEC. 43. SAVE OUR SMALL BUSINESSES FUND APPROPRIATION.
15 6 There is appropriated from the school infrastructure fund
15 7 created in section 12.82 to the department of economic
15 8 development for deposit in the save our small businesses fund
15 9 for the fiscal year beginning July 1, 2010, and ending June 30,
15 10 2011, the following amount, or so much thereof as is necessary,
15 11 to be used for the purposes designated, notwithstanding section
15 12 12.82, subsection 1:
15 13 For purposes of providing financial assistance under the
15 14 save our small businesses program under section 15.301:
15 15 \$ 5,000,000
15 16 Of the moneys appropriated pursuant to this section, the
15 17 department may allocate an amount not to exceed two percent of
15 18 the moneys appropriated for purposes of retaining the services
15 19 of an organization designated pursuant to section 15.301,
15 20 subsection 2, paragraph "b".
15 21 Sec. 26. EFFECTIVE UPON ENACTMENT. This division of this
15 22 Act, being deemed of immediate importance, takes effect upon
15 23 enactment.
15 24 EXPLANATION
15 25 This bill relates to and makes, reduces, and transfers
15 26 appropriations to state departments and agencies from the
15 27 rebuild Iowa infrastructure fund, the technology reinvestment
15 28 fund, the revenue bonds capitals fund, and other funds, and
15 29 provides for related matters and effective dates.
15 30 DIVISION I ==== REBUILD IOWA INFRASTRUCTURE FUND
15 31 APPROPRIATIONS. This division appropriates project funding
15 32 for FY 2011=2012 from the rebuild Iowa infrastructure fund,
15 33 including projects for the departments of administrative
15 34 services, for the blind, corrections, education, natural
15 35 resources, public defense, transportation, and veterans



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16 1 affairs, and to the state board of regents and the treasurer of
16 2 state.

16 3 The division appropriates project funding for FY 2012=2013
16 4 from the rebuild Iowa infrastructure fund, including projects
16 5 for the department of corrections and the state board of
16 6 regents.

16 7 The division appropriates project funding for FY 2013=2014
16 8 from the rebuild Iowa infrastructure fund to the department of
16 9 corrections and to the state board of regents.

16 10 The division appropriates project funding for FY 2014=2015
16 11 from the rebuild Iowa infrastructure fund to the state board
16 12 of regents.

16 13 DIVISION II ==== TECHNOLOGY REINVESTMENT FUND ====

16 14 APPROPRIATIONS. This division appropriates project funding
16 15 for FY 2011=2012 from the technology reinvestment fund for the
16 16 departments of administrative services, corrections, education,
16 17 human rights, human services, management, public safety, and
16 18 the Iowa telecommunications and technology commission.

16 19 The division appropriates project funding for FY 2012=2013,
16 20 FY 2013=2014, and FY 2014=2015 from the technology reinvestment
16 21 fund to the department of human services.

16 22 The division appropriates project funding for FY 2011=2012,
16 23 FY 2012=2013, and FY 2013=2014 from the technology reinvestment
16 24 fund for the department of public safety.

16 25 DIVISION III ==== REVENUE BONDS CAPITALS FUND ====

16 26 APPROPRIATIONS. This division appropriates project funding
16 27 for FY 2011=2012 from the revenue bonds capitals fund for the
16 28 department of corrections.

16 29 DIVISION IV ==== MISCELLANEOUS CODE CHANGES. The division
16 30 eliminates FY 2011=2012, FY 2012=2013, and FY 2013=2014
16 31 standing appropriations from the rebuild Iowa infrastructure
16 32 fund to the secure an advanced vision for education fund
16 33 created in Code section 423F.2.

16 34 The division reduces the FY 2011=2012 and FY 2012=2013
16 35 standing appropriations from the rebuild Iowa infrastructure



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House Study Bill 220 continued

17 1 fund to the environment first fund from \$42 million to \$33
17 2 million.
17 3 The division eliminates the \$17.5 million standing
17 4 appropriation from the general fund of the state to the
17 5 technology reinvestment fund for FY 2011=2012 and appropriates
17 6 \$17 million from the rebuild Iowa infrastructure fund to the
17 7 technology reinvestment fund for FY 2011=2012.
17 8 The division amends Code section 12.82 to provide that any
17 9 amounts remaining in the school infrastructure fund at the end
17 10 of the fiscal year beginning July 1, 2010, shall be transferred
17 11 to the rebuild Iowa infrastructure fund. This provision takes
17 12 effect upon enactment.
17 13 The division eliminates standing appropriations for FY
17 14 2011=2012 and FY 2012=2013 from the franchise tax revenues
17 15 deposited in the general fund of the state to the community
17 16 attraction and tourism fund.
17 17 The division eliminates the standing appropriation from the
17 18 rebuild Iowa infrastructure fund to the Iowa finance authority
17 19 for deposit into the housing trust fund for FY 2011=2012.
17 20 The division eliminates the \$200,000 appropriation from the
17 21 rebuild Iowa infrastructure fund to the Iowa finance authority
17 22 for administration of the Iowa jobs program.
17 23 DIVISION V ==== CHANGES TO PRIOR APPROPRIATIONS. The division
17 24 extends the reversion date for projects appropriated to the
17 25 department of public safety from the endowment for Iowa's
17 26 health restricted capitals fund for FY 2006=2007.
17 27 The division eliminates the \$300,000 appropriation from
17 28 the rebuild Iowa infrastructure fund for FY 2008=2009 to the
17 29 department of transportation.
17 30 The division eliminates the \$10 million appropriations
17 31 for FY 2011=2012 and FY 2012=2013 from the rebuild Iowa
17 32 infrastructure fund to the department of economic development
17 33 for deposit into the river enhancement community attraction and
17 34 tourism fund.
17 35 The division reduces the appropriation to the department of



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House Study Bill 220 continued

18 1 transportation for the passenger rail service revolving fund
18 2 for FY 2009=2010 from \$3 million to \$302,700.
18 3 The division eliminates the \$6.5 million appropriation from
18 4 the rebuild Iowa infrastructure fund to the department of
18 5 transportation for the passenger rail service revolving fund
18 6 for FY 2011=2012.
18 7 The division makes changes to the FY 2010=2011
18 8 appropriations from the revenue bonds capitals II fund to
18 9 the treasurer of state, from FY 2009 prison bonding fund to
18 10 the department of corrections, from the Iowa comprehensive
18 11 petroleum underground storage tank fund to the department of
18 12 transportation, and from the school infrastructure fund to the
18 13 department of economic development.
18 14 The division takes effect upon enactment.

LSB 1008HB (1) 84

rh/tm



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Senate Amendment 3064

PAG LIN

- 1 1 Amend Senate File 474 as follows:
- 1 2 #1. By striking page 103, line 25, through page 104,
- 1 3 line 25.
- 1 4 #2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
EUGENE S. FRAISE, CHAIRPERSON
SF474.1240 (1) 84
lh/rj



**Iowa General Assembly
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Senate Amendment 3065

PAG LIN

- 1 1 Amend Senate File 475 as follows:
- 1 2 #1. By striking page 25, line 20, through page 26,
- 1 3 line 5.
- 1 4 #2. Page 48, by striking lines 14 through 19.
- 1 5 #3. By striking page 55, line 10, through page 56,
- 1 6 line 5.
- 1 7 #4. By renumbering as necessary.

COMMITTEE ON JUDICIARY
EUGENE S. FRAISE, CHAIRPERSON
SF475.1241 (1) 84
lh/rj



Iowa General Assembly
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Senate Amendment 3066

PAG LIN

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1 1      Amend Senate File 467 as follows:  
1 2 #1.  Page 7, line 27, after <of> by inserting <at  
1 3 least>
```

HERMAN C. QUIRMBACH
SF467.1273 (1) 84
kh/sc



**Iowa General Assembly
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Senate Amendment 3067

PAG LIN

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1 1      Amend  the amendment, S=3054, to Senate File 405 as
1 2 follows:
1 3 #1.  Page 1, line 7, after <younger.> by inserting
1 4 <"Reusable beverage container" includes disposable
1 5 baby bottle liners designed to hold liquids in a baby
1 6 bottle.>
```

SHAWN HAMERLINCK
S3054.1259 (2) 84
tm/rj



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Senate Amendment 3068

PAG LIN

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1 1      Amend Senate File 405 as follows:
1 2 #1.  Page 1, line 6, after <infant> by inserting <,
1 3 including soothing discomfort caused by teething.>
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SHAWN HAMERLINCK
SF405.1260 (1) 84
tm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate Amendment 3069

PAG LIN

1 1 Amend Senate File 431 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 162.11, Code 2011, is amended
1 4 by adding the following new subsection:
1 5 NEW SUBSECTION. 4. This chapter does not apply to
1 6 a commercial kennel which provides training services
1 7 for dogs or cats, if all of the following conditions
1 8 are satisfied:
1 9 a. The owners of the dogs or cats are present at
1 10 all times when the training services are performed.
1 11 b. The commercial kennel is not otherwise subject
1 12 to this chapter.>
1 13 #2. Page 10, after line 28 by inserting:
1 14 <Sec. ____ EFFECTIVE DATE.
1 15 1. Except as provided in subsection 2, this Act
1 16 takes effect July 1, 2011.
1 17 2. The section of this Act amending section 162.11,
1 18 being deemed of immediate importance, takes effect upon
1 19 enactment.>
1 20 #3. Title page, line 1, before <offenses> by
1 21 inserting <the regulation of animals maintained by
1 22 establishments, including by providing for>
1 23 #4. Title page, line 2, by striking <and providing>
1 24 and inserting <providing>
1 25 #5. Title page, line 2, after <remedies> by
1 26 inserting <, and including effective date provisions>
1 27 #6. By renumbering as necessary.

PAM JOCHUM
SF431.1225 (2) 84
da/rj



**Iowa General Assembly
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Senate Amendment 3070

PAG LIN

```
1 1      Amend Senate File 240 as follows:
1 2 #1.  Page 2, by striking lines 25 and 26 and
1 3 inserting:
1 4      <e. Deliveries shall occur between 6:00 a.m. and
1 5 10:00 p.m. Monday through Saturday, and between 8:00
1 6 a.m. and 10:00 p.m. Sunday.>
```

BRIAN SCHOENJAHN
SF240.1287 (2) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate Amendment 3071

PAG LIN

1 1 Amend Senate File 405 as follows:
1 2 #1. Page 1, line 14, after <bisphenol A.> by
1 3 inserting <A manufacturer or wholesaler who sells
1 4 or offers for sale in this state a reusable beverage
1 5 container that is intended for retail sale shall do all
1 6 of the following:
1 7 a. Ensure that the container is conspicuously
1 8 labeled as not containing bisphenol A.
1 9 b. Provide the retailer with affirmation that the
1 10 container does not contain bisphenol A.>
1 11 #2. Page 1, line 30, by striking <one thousand> and
1 12 inserting <five hundred>
1 13 #3. By renumbering as necessary.

JOE BOLKCOM
SF405.1300 (1) 84
tm/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate Amendment 3072

PAG LIN

```
1 1      Amend Senate File 401 as follows:
1 2 #1.  Page 1, by striking lines 13 and 14 and
1 3 inserting:
1 4      <3.  This section does not apply to a person whose
1 5 license has not been renewed.>
```

ROBERT E. DVORSKY
SF401.1271 (2) 84
jr/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate Amendment 3073

PAG LIN

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1 1      Amend Senate File 405 as follows:
1 2 #1.  Page 1, by striking lines 15 and 16.
1 3 #2.  Page 1, by striking lines 22 and 23 and
1 4 inserting <likely carcinogens, known to be human
1 5 carcinogens, or likely to be  human carcinogens>
1 6 #3.  By renumbering as necessary.
```

MARK CHELGREN
SF405.1323 (2) 84
tm/rj



Iowa General Assembly
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Senate Amendment 3074

PAG LIN

1 1 Amend Senate File 364 as follows:
1 2 #1. Page 3, line 27, before <commission> by
1 3 inserting <national>
1 4 #2. Page 4, by striking lines 16 through 19 and
1 5 inserting <nationally accepted standards of orthotic
1 6 and prosthetic care as outlined by the American board
1 7 for certification in orthotics, prosthetics, and
1 8 pedorthics.>
1 9 #3. Page 5, by striking lines 29 through 32 and
1 10 inserting <standards of pedorthic care as outlined by
1 11 the American board for certification in orthotics,
1 12 prosthetics and pedorthics.>
1 13 #4. By striking page 9, line 34, through page 10,
1 14 line 1.
1 15 #5. Page 10, line 2, by striking <b.> and inserting
1 16 <2.>
1 17 #6. Page 11, after line 25 by inserting:
1 18 <Sec. _____. FUNDING.
1 19 1. The board of orthotics, prosthetics, and
1 20 pedorthics shall apply to the department of
1 21 administrative services to request an allocation of
1 22 moneys from the IowAccess revolving fund to fund the
1 23 estimated eighty thousand dollars for expansion of
1 24 the advanced Maryland automatic network disk archiver
1 25 (AMANDA) system to allow licensure of orthotists,
1 26 prosthetists, and pedorthists in the AMANDA system
1 27 currently being developed for the boards of dentistry,
1 28 nursing, and medicine. The board shall not implement
1 29 a fee increase to make this adjustment to the AMANDA
1 30 system.
1 31 2. Until such changes are made to the electronic
1 32 licensing system the board shall license orthotists,
1 33 prosthetists, and pedorthists under the current
1 34 procedures used to license medical and osteopathic
1 35 physicians.>
1 36 #7. By renumbering, redesignating, and correcting
1 37 internal references as necessary.

STEVEN SODDERS
SF364.1317 (2) 84
jr/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate Amendment 3075

PAG LIN

```
1 1      Amend Senate File 410 as follows:
1 2 #1.  Page 8, line 23, after <types,> by inserting
1 3 <the services provided by libraries,>
1 4 #2.  Page 8, line 27, after <librarian.> by inserting
1 5 <One member appointed by the state librarian shall be
1 6 employed by the department of workforce development.>
```

MARK CHELGREN
SF410.1325 (1) 84
kh/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate Amendment 3076

PAG LIN

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1 1      Amend Senate File 405 as follows:
1 2 #1.  Page 1, after line 10 by inserting:
1 3      <1A.  For purposes of this section, "reusable
1 4 beverage container" includes disposable baby bottle
1 5 liners designed to hold liquids in a baby bottle.>
1 6 #2.  By renumbering as necessary.
```

SHAWN HAMERLINCK
SF405.1337 (3) 84
tm/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate Amendment 3077

PAG LIN

1 1 Amend Senate File 326 as follows:
1 2 #1. Page 1, after line 21 by inserting:
1 3 <4. Any delay authorized by the chief justice
1 4 pursuant to this section shall not exceed one year in
1 5 duration, and not more than eight delays authorized by
1 6 the chief justice shall be in effect at any one time.>
1 7 #2. Page 2, by striking lines 22 through 24.
1 8 #3. By renumbering as necessary.

ROBERT M. HOGG
SF326.1336 (1) 84
jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate Amendment 3078

PAG LIN

1 1 Amend Senate File 410 as follows:
1 2 #1. Page 4, line 33, by striking <paragraph> and
1 3 inserting <paragraphs>
1 4 #2. Page 5, after line 3 by inserting:
1 5 <NEW PARAGRAPH. 1. Require a public library that
1 6 receives state funds to adopt a policy that addresses
1 7 limiting library access to electronic media or video
1 8 game resources by a child under seventeen years of age
1 9 to electronic media or video game resources assigned
1 10 a rating of G, PG, or PG=13, or a comparable rating,
1 11 under a nationally recognized motion picture rating
1 12 system or a nationally recognized video game rating
1 13 system including but not limited to rating systems
1 14 maintained by the motion picture association of
1 15 America, the film advisory board, or the entertainment
1 16 software rating board.>
1 17 #3. By renumbering as necessary.

TOD BOWMAN
SF410.1338 (1) 84
kh/sc



Iowa General Assembly
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Senate Amendment 3079

PAG LIN

1 1 Amend Senate File 409 as follows:
1 2 #1. Page 1, line 20, after <with> by inserting
1 3 <local ordinance and>
1 4 #2. Page 1, line 25, after <322.5> by inserting <and
1 5 in accordance with local ordinance>
1 6 #3. Page 2, line 4, after <vehicle.> by inserting
1 7 <Such notice shall be sent to the last known address
1 8 of the owner of the vehicle as recorded with the
1 9 vehicle's registration or certificate of title. If
1 10 the registration and title records each show different
1 11 owners, the notice shall be sent to both persons named
1 12 as owners. If the registration and title records each
1 13 show different addresses for the same owner, the notice
1 14 shall be sent to both addresses.>
1 15 #4. By renumbering as necessary.

DICK L. DEARDEN
SF409.1329 (1) 84
dea/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate File 499 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 309)

A BILL FOR

1 An Act prohibiting certain disability payments related to
2 military service from being used as offsets within the Iowa
3 public employees' retirement system.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2553SV (1) 84

aw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate File 499 - Introduced continued

PAG LIN

1 1 Section 1. Section 97B.50A, subsection 5, Code 2011, is
1 2 amended to read as follows:
1 3 5. Offset to allowance. Notwithstanding any provisions
1 4 to the contrary in state law, or any applicable contract
1 5 or policy, any amounts which may be paid or payable by the
1 6 employer under any workers' compensation, unemployment
1 7 compensation, employer=paid disability plan, program, or
1 8 policy, or other law to a member, and any disability payments
1 9 the member receives pursuant to the federal Social Security
1 10 Act, 42 U.S.C. { 423 et seq., shall be offset against and
1 11 payable in lieu of any retirement allowance payable pursuant
1 12 to this section on account of the same disability. However,
1 13 any amounts which may be paid or payable by the employer if
1 14 the employer=paid disability plan, program, or policy derives
1 15 from serving in the armed services of the United States and
1 16 the employee is discharged or separated from service in the
1 17 armed forces under honorable conditions shall not be offset
1 18 against and payable in lieu of any retirement allowance payable
1 19 pursuant to this section on account of the same disability.

1 20 EXPLANATION
1 21 This bill requires that any disability payments earned for
1 22 service in the armed services of the United States not be
1 23 used to offset allowances within the Iowa public employees'
1 24 retirement system (IPERS) for IPERS members who are employed in
1 25 a protection occupation.

LSB 2553SV (1) 84
aw/sc



**Iowa General Assembly
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Senate File 500 - Introduced

SENATE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO SSB
1126)

(COMPANION TO lsb
2691hv by committee on
environmental
protection)

A BILL FOR

1 An Act relating to environmental protection, by transferring
2 certain powers and duties to the department of agriculture
3 and land stewardship, providing an appropriation, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2483SV (2) 84
da/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate File 500 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 WATER RESOURCES COORDINATING COUNCIL
1 3 Section 1. Section 466B.2, subsection 2, Code 2011, is
1 4 amended by striking the subsection.
1 5 Sec. 2. Section 466B.3, subsection 1, Code 2011, is amended
1 6 to read as follows:
1 7 1. Council established. A water resources coordinating
1 8 council is established within the ~~office of the governor~~
~~1 9 department of agriculture and land stewardship.~~
1 10 Sec. 3. Section 466B.3, subsection 4, paragraph c, Code
1 11 2011, is amended by striking the paragraph.
1 12 Sec. 4. Section 466B.3, subsection 4, paragraph 1,
1 13 unnumbered paragraph 1, Code 2011, is amended to read as
1 14 follows:
1 15 The ~~governor~~ secretary, who shall be the chairperson, or
1 16 the ~~governor's~~ secretary's designee. As the chairperson,
1 17 and in order to further the coordination efforts of the
1 18 council, the ~~governor~~ secretary may invite representatives
1 19 from any other public agency, private organization, business,
1 20 citizen group, or nonprofit entity to give public input at
1 21 council meetings, provided the entity has an interest in the
1 22 coordinated management of land resources, soil conservation,
1 23 flood mitigation, or water quality. The ~~governor~~ secretary
1 24 shall also invite and solicit advice from the following:
1 25 Sec. 5. Section 466B.3, subsection 5, paragraph a, Code
1 26 2011, is amended to read as follows:
1 27 a. The council shall be convened by the ~~office of the~~
~~1 28 governor~~ secretary of agriculture at least quarterly.
1 29 Sec. 6. Section 466B.3, subsection 6, paragraph c, Code
1 30 2011, is amended to read as follows:
1 31 c. The council shall develop recommendations for policies
1 32 and funding promoting a watershed management approach to
1 33 reduce the adverse impact of future flooding on this state's
1 34 residents, businesses, communities, and soil and water quality.
1 35 ~~Policy and funding recommendations shall be submitted to the~~



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~~Senate File 500 - Introduced continued~~

~~2 1 governor and the general assembly not later than November~~
~~2 2 15, 2009.~~ The council shall consider policies and funding
2 3 options for various strategies to reduce the impact of
2 4 flooding including but not limited to additional floodplain
2 5 regulation; wetland protection, restoration, and construction;
2 6 the promulgation and implementation of statewide storm water
2 7 management standards; conservation easements and other land
2 8 management; perennial ground cover and other agricultural
2 9 conservation practices; pervious pavement, bioswales, and
2 10 other urban conservation practices; and permanent or temporary
2 11 water retention structures. In developing recommendations,
2 12 the council shall consult with hydrological and land use
2 13 experts, representatives of cities, counties, drainage and
2 14 levee districts, agricultural interests, and soil and water
2 15 conservation districts, and other urban and regional planning
2 16 experts.
2 17 Sec. 7. Section 466B.5, Code 2011, is amended to read as
2 18 follows:
2 19 466B.5 Regional watershed assessment, planning, and
2 20 prioritization.
2 21 1. Regional watershed assessment program. The department of
2 22 natural resources shall create a regional watershed assessment
2 23 program. The program shall assess all the regional watersheds
2 24 in the state.
2 25 a. The statewide assessment shall be conducted at the rate
2 26 of approximately one=fifth of the watersheds per year, and an
2 27 initial full assessment shall be completed within five years.
2 28 Thereafter, the department of natural resources shall review
2 29 and update the assessments on a regular basis.
2 30 b. Each regional watershed assessment shall provide a
2 31 summary of the overall condition of the watershed. The
2 32 information provided in the summary may include land use
2 33 patterns, soil types, slopes, management practices, stream
2 34 conditions, and both point and nonpoint source impairments.
2 35 c. In conducting a regional watershed assessment, the



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Senate File 500 - Introduced continued

3 1 department of natural resources may provide opportunities for
3 2 local data collection and input into the assessment process.
3 3 2. Planning and prioritization. In conducting the regional
3 4 watershed assessment program, the department of natural
3 5 resources shall provide hydrological and geological information
3 6 sufficient for the water resources coordinating council to
3 7 prioritize watersheds statewide and for the various communities
3 8 in those watersheds to plan remedial efforts in their local
3 9 communities and subwatersheds.

3 10 3. Report to council. Upon completion of the statewide
3 11 assessment, and upon updating the assessments, the department
3 12 of natural resources shall report the results of the assessment
3 13 to the council and the general assembly, and shall make the
3 14 report publicly available.

3 15 Sec. 8. Section 466B.6, subsection 1, Code 2011, is amended
3 16 to read as follows:

3 17 1. Facilitation of community=based subwatershed plans. After
3 18 ~~the department's~~ department of natural resources' completion
3 19 of the initial regional watershed assessment, and after the
3 20 council's prioritization of the regional watersheds, the
3 21 council shall designate one or more of the agencies represented
3 22 on the council to facilitate the development and implementation
3 23 of local, community=based subwatershed improvement plans.

3 24 Sec. 9. Section 466B.7, Code 2011, is amended to read as
3 25 follows:

3 26 466B.7 Community=based subwatershed monitoring.

3 27 1. Monitoring assistance. After completion of the
3 28 statewide regional watershed assessment and prioritization,
3 29 and throughout the implementation of local community=based
3 30 subwatershed improvement plans, the department of natural
3 31 resources shall assist communities with the monitoring and
3 32 measurement of local subwatersheds. The monitoring and
3 33 measurement shall be designed for the particular needs of
3 34 individual communities.

3 35 2. Data collection and use. Local communities in which



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Senate File 500 - Introduced continued

4 1 the department of natural resources conducts subwatershed
4 2 monitoring shall use the information to support subwatershed
4 3 planning activities, do local data collection, and identify
4 4 priority areas needing additional resources. Local communities
4 5 shall also collect data over time and use the data to evaluate
4 6 the impacts of their management efforts.
4 7 Sec. 10. Section 466B.8, Code 2011, is amended to read as
4 8 follows:
4 9 466B.8 Wastewater and storm water infrastructure assessment.
4 10 The department of natural resources shall assess and
4 11 prioritize communities within a watershed presenting the
4 12 greatest level of risk to water quality and the health of
4 13 residents. This prioritization shall include both sewerred and
4 14 unsewerred communities.
4 15 Sec. 11. Section 466B.9, Code 2011, is amended to read as
4 16 follows:
4 17 466B.9 Rulemaking authority.
4 18 The department of natural resources and the department
4 19 of agriculture and land stewardship shall have the power and
4 20 authority reasonably necessary to carry out the duties imposed
4 21 by this chapter. As to the department of natural resources,
4 22 this includes rulemaking authority to carry out the regional
4 23 watershed assessment program described in section 466B.5. As
4 24 to the department of agriculture and land stewardship, this
4 25 includes rulemaking authority to assist in the implementation
4 26 of community-based subwatershed improvement plans.
4 27 DIVISION II
4 28 WATER QUALITY PROTECTION
4 29 Sec. 12. Section 161A.4, subsection 2, Code 2011, is amended
4 30 by adding the following new paragraph:
4 31 NEW PARAGRAPH. j. To provide state administration of
4 32 section 319 of the federal Clean Water Act as defined in
4 33 section 455B.291. The department of natural resources shall
4 34 provide assistance in the preparation of the report required
4 35 pursuant to 33 U.S.C. { 1329.



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Senate File 500 - Introduced continued

5 1 Sec. 13. Section 161C.4, subsection 2, Code 2011, is amended
5 2 to read as follows:

5 3 2. The fund shall be divided into ~~two~~ three accounts,
5 4 the water quality protection projects account, ~~and~~ the water
5 5 protection practices account, and the clean water account.

5 6 a. The ~~first~~ water quality protection projects account
5 7 shall be used to carry out water quality protection projects
5 8 to protect the state's surface and groundwater from point and
5 9 nonpoint sources of contamination.

5 10 b. The ~~second~~ water protection practices account shall be
5 11 used to establish water protection practices with individual
5 12 landowners including but not limited to woodland establishment
5 13 and protection, establishment of native grasses and forbs,
5 14 sinkhole management, agricultural drainage well management,
5 15 streambank stabilization, grass waterway establishment, stream
5 16 buffer strip establishment, and erosion control structure
5 17 construction. Twenty-five percent of funds appropriated to
5 18 the water protection practices account shall be used for
5 19 woodland establishment and protection, and establishment of
5 20 native grasses and forbs. Soil and water conservation district
5 21 commissioners shall give priority to applications for practices
5 22 that implement their soil and water resource conservation plan.

5 23 c. The clean water account shall be used for purposes of
5 24 administering section 319 of the federal Clean Water Act as
5 25 defined in section 455B.291. Any moneys appropriated by the
5 26 general assembly for purposes of providing state administration
5 27 of section 319 of the federal Clean Water Act as defined in
5 28 section 455B.291 and any other moneys available to and obtained
5 29 or accepted by the division for such purposes shall be credited
5 30 to the clean water account.

5 31 Sec. 14. Section 455B.193, Code 2011, is amended to read as
5 32 follows:

5 33 455B.193 Qualifications for collection of credible data.

5 34 For purposes of this part, all of the following shall apply:

5 35 1. Data is not credible data unless the data originates



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6 1 from studies and samples collected by the department of
6 2 natural resources or the department of agriculture and land
6 3 stewardship, a professional designee of ~~the department~~ one of
6 4 the departments, or a qualified volunteer. For purposes of
6 5 this subsection, "professional designee" includes governmental
6 6 agencies other than one of the ~~department~~ departments, and a
6 7 person hired by, or under contract for compensation with, one
6 8 of the ~~department~~ departments to collect or study data.

6 9 2. All information submitted by a qualified volunteer shall
6 10 be reviewed and approved or disapproved by the department of
6 11 natural resources or the department of agriculture and land
6 12 stewardship. The qualified volunteer shall submit a site
6 13 specific plan with data which includes information used to
6 14 obtain the data, the sampling and analysis plan, and quality
6 15 control and quality assurance procedures used in the monitoring
6 16 process. The qualified volunteer must provide proof to the
6 17 applicable department that the water monitoring plan was
6 18 followed. The applicable department shall review all data
6 19 collected by a qualified volunteer, verify the accuracy of the
6 20 data collected by a qualified volunteer, and determine that all
6 21 components of the water monitoring plan were followed.

6 22 3. The department of natural resources and the department of
6 23 agriculture and land stewardship shall retain all information
6 24 submitted by a qualified volunteer submitting the information
6 25 for a period of not less than ten years from the date of receipt
6 26 by the department. All information submitted shall be a public
6 27 record.

6 28 4. The department of natural resources and the department of
6 29 agriculture and land stewardship shall adopt rules establishing
6 30 requirements for a person to become a qualified volunteer.

6 31 5. The department of natural resources and the department of
6 32 agriculture and land stewardship shall develop a methodology
6 33 for water quality assessments as used in the section 303(d)
6 34 lists and assess the validity of the data.

6 35 Sec. 15. Section 455B.194, subsection 1, unnumbered



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7 1 paragraph 1, Code 2011, is amended to read as follows:

7 2 The department of natural resources and the department of
7 3 agriculture and land stewardship shall use credible data when
7 4 doing any of the following:

7 5 Sec. 16. Section 455B.195, subsection 1, paragraphs e
7 6 through i, Code 2011, are amended to read as follows:

7 7 e. If a pollutant causing an impairment is unknown, the
7 8 water of the state may be placed on a section 303(d) list.
7 9 However, the department of natural resources or the department
7 10 of agriculture and land stewardship, as applicable, shall

7 11 continue to monitor the water of the state to determine the
7 12 cause of impairment before a total maximum daily load is
7 13 established for the water of the state and a water of the state
7 14 listed with an unknown status shall retain a low priority for
7 15 a total maximum daily load development until the cause of the
7 16 impairment is determined unless ~~the~~ either department, after
7 17 taking into consideration the use of the water of the state and
7 18 the severity of the pollutant, identifies compelling reasons as
7 19 to why the water of the state should not have a low priority.

7 20 f. When evaluating the waters of the state, the department
7 21 of natural resources and the department of agriculture and land
7 22 stewardship, as applicable, shall develop and maintain three
7 23 separate listings including a section 303(d) list, a section
7 24 305(b) report, and a listing for which further investigative
7 25 monitoring is necessary. The section 305(b) report shall be
7 26 a summary of all potential impairments for which credible
7 27 data is not required. If credible data is not required for a
7 28 section 305(b) report, the placement of a water of the state
7 29 on any section 305(b) report alone is not sufficient evidence
7 30 for the water of the state's placement on any section 303(d)
7 31 list. When developing a section 303(d) list, the ~~department~~
~~7 32 is~~ departments are not required to use all data, but ~~the~~
~~7 33 department~~ shall assemble and evaluate all existing and readily
7 34 available water quality-related data and information. The
7 35 ~~department~~ departments shall provide documentation to the



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8 1 regional administrator of the federal environmental protection
8 2 agency to support the state's determination to list or not to
8 3 list its waters.

8 4 g. The department of natural resources and the department
8 5 of agriculture and land stewardship, as applicable, shall take
8 6 into consideration any naturally occurring condition when
8 7 placing or removing any water of the state on any section
8 8 303(d) list, and establishing or allocating responsibility for
8 9 a total maximum daily load.

8 10 h. Numerical standards shall have a preference over
8 11 narrative standards. A narrative standard shall not constitute
8 12 the basis for determining an impairment unless the department
8 13 of natural resources and the department of agriculture and land
8 14 stewardship, as applicable, identifies specific factors as to
8 15 why a numeric standard is not sufficient to assure adequate
8 16 water quality.

8 17 i. If the department of natural resources and the department
8 18 of agriculture and land stewardship, as applicable, has
8 19 obtained credible data for a water of the state, the department
8 20 may also use historical data for that particular water of the
8 21 state for the purpose of determining whether any trends exist
8 22 for that water of the state.

8 23 Sec. 17. Section 455B.195, subsection 2, Code 2011, is
8 24 amended to read as follows:

8 25 2. This section shall not be construed to require or
8 26 authorize the department of natural resources or the department
8 27 of agriculture and land stewardship to perform any act listed
8 28 in section 455B.194, subsection 1, not otherwise required or
8 29 authorized by applicable law.

8 30 Sec. 18. Section 455B.195, Code 2011, is amended by adding
8 31 the following new subsections:

8 32 NEW SUBSECTION. 3. The division of soil conservation of the
8 33 department of agriculture and land stewardship shall implement
8 34 total maximum daily loads assigned to nonpoint sources and
8 35 agricultural sources through voluntary programs. The division



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Senate File 500 - Introduced continued

9 1 shall implement waste load allocations assigned to agricultural
9 2 sources or concentrated animal feeding operations if such
9 3 sources are required to obtain a national pollutant discharge
9 4 elimination system permit. The department of natural resources
9 5 shall implement all other waste load allocations.

9 6 NEW SUBSECTION. 4. The division of soil conservation
9 7 of the department of agriculture and land stewardship shall
9 8 develop and implement a water quality management plan required
9 9 by 33 U.S.C. { 1329 as it relates to total maximum daily
9 10 loads, nonpoint sources, agricultural sources, and effluent
9 11 limitations for concentrated animal feeding operations.
9 12 The department of agriculture and land stewardship and the
9 13 department of natural resources shall jointly submit water
9 14 quality management plans to the United States environmental
9 15 protection agency.

9 16 Sec. 19. ENVIRONMENT FIRST FUND APPROPRIATION. There is
9 17 appropriated from the environment first fund created in section
9 18 8.57A to the soil conservation division of the department of
9 19 agriculture and land stewardship for the fiscal year beginning
9 20 July 1, 2012, and ending June 30, 2013, the following amount,
9 21 or so much thereof as is necessary, to be used for the purposes
9 22 designated:

9 23 For water quality monitoring, including salaries, support,
9 24 maintenance, and miscellaneous purposes:
9 25 \$ 2,955,000

9 26 Sec. 20. TRANSITIONAL PROVISIONS.

9 27 1. The department of natural resources shall cooperate
9 28 with the department of agriculture and land stewardship to
9 29 assist in the transfer of powers and duties to the department
9 30 of agriculture and land stewardship, as provided in sections
9 31 455B.193 through 455B.195, as amended by this Act.

9 32 2. By August 1, 2011, the department of natural resources
9 33 shall provide the department of agriculture and land
9 34 stewardship with copies of any outstanding contracts relating
9 35 to the administration of any duties addressed in this Act.



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Senate File 500 - Introduced continued

10 1 3. The department of natural resources shall assign and the
10 2 department of agriculture and land stewardship shall assume all
10 3 outstanding contracts entered into by the department of natural
10 4 resources and the United States environmental protection agency
10 5 related to the use of moneys for purposes of section 319 of the
10 6 federal Clean Water Act, total maximum daily load development
10 7 and nonpoint source management plans. Contracts related to
10 8 enforcement or enforcement investigation are not included under
10 9 this subsection.

10 10 Sec. 21. EFFECTIVE DATES.

10 11 1. This division of this Act takes effect July 1, 2011,
10 12 except as provided in subsection 2.

10 13 2. The sections of this division amending sections 161A.4
10 14 and 161C.4 take effect November 1, 2011.

10 15 3. The sections of this division amending sections 455B.193
10 16 through 455B.195 take effect November 1, 2012.

10 17 EXPLANATION

10 18 GENERAL. This bill amends provisions relating to water
10 19 protection programs in this state, including by providing
10 20 for the administration of the programs by the department of
10 21 natural resources and the department of agriculture and land
10 22 stewardship.

10 23 WATER RESOURCES COORDINATING COUNCIL. The bill amends Code
10 24 chapter 466B which currently provides for the protection of
10 25 surface water in this state by establishing a water resources
10 26 coordinating council within the office of the governor. The
10 27 council includes members representing a number of heads of
10 28 state agencies as well as the deans of colleges of board
10 29 of regents institutions. The council is responsible for
10 30 coordinating governmental efforts to improve water quality
10 31 in an efficient and fiscally responsible manner. The bill
10 32 transfers the council from the office of the governor to the
10 33 secretary of agriculture, and provides that the secretary
10 34 of agriculture and not the governor serves as the council's
10 35 chairperson. A number of provisions in the Code chapter refer



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Senate File 500 - Introduced continued

11 1 to the department of natural resources as simply "department".
11 2 The bill includes the full name of the department, but does not
11 3 change its powers or duties.

11 4 FEDERAL CLEAN WATER ACT ==== TRANSFER OF CERTAIN POWERS
11 5 AND DUTIES. The bill provides for the administration of
11 6 responsibilities involving section 319 of the federal Clean
11 7 Water Act, including by transferring powers and duties from
11 8 the department of natural resources to the department of
11 9 agriculture and land stewardship. It establishes an account
11 10 for moneys used to administer the nonpoint source program under
11 11 the control of the soil conservation division of the department
11 12 of agriculture and land stewardship.

11 13 The bill provides for the compilation of credible data by
11 14 the two departments when monitoring water quality in the state,
11 15 including establishing the total maximum daily load for any
11 16 water of the state. The bill authorizes the division of soil
11 17 conservation to implement total maximum daily loads assigned
11 18 to nonpoint sources and agricultural sources, and to develop
11 19 and implement a water quality management plan. A total maximum
11 20 daily load is the maximum amount of a pollutant that a water
11 21 body may receive and still meet the state's water quality
11 22 standards.

11 23 The bill appropriates moneys from the environment first fund
11 24 to the soil conservation division for purposes of water quality
11 25 monitoring.

11 26 The bill includes transitional provisions requiring
11 27 the department of natural resources to cooperate with the
11 28 department of agriculture and land stewardship to assist
11 29 in the transfers of powers and duties to the department of
11 30 agriculture and land stewardship, including the assignment of
11 31 all outstanding contracts.

11 32 The bill includes a number of effective date provisions
11 33 which require that the transition be complete by November 1,
11 34 2012.

LSB 2483SV (2) 84
da/nh



Iowa General Assembly
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Senate File 501 - Introduced

SENATE FILE
BY FEENSTRA

A BILL FOR

1 An Act relating to taxation by modifying provisions relating
2 to the percentage of actual value at which certain
3 classifications of property are assessed for property tax
4 purposes, establishing tax credits for certain commercial
5 property taxes paid, and including applicability provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1810XS (10) 84

md/sc



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Senate File 501 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.11Y Commercial property tax
1 2 credit.
1 3 1. The taxes imposed under this division, less the credits
1 4 allowed under section 422.12, shall be reduced by a commercial
1 5 property tax credit. An owner of real property assessed as
1 6 commercial property, or new commercial property, as defined in
1 7 section 441.21, located in the state is eligible to receive
1 8 a tax credit equal to three percent of the total amount of
1 9 property taxes paid by the owner during the tax year on all
1 10 such commercial property or new commercial property owned by
1 11 the person within the state.
1 12 2. For purposes of this section, an individual may claim
1 13 a commercial property tax credit incurred by a partnership,
1 14 S corporation, limited liability company, estate, or trust
1 15 electing to have the income taxed directly to the individual.
1 16 The amount claimed by the individual shall be based upon the
1 17 pro rata share of the individual's earnings of a partnership, S
1 18 corporation, limited liability company, estate, or trust.
1 19 3. Any credit in excess of the tax liability imposed by
1 20 section 422.5 less the amounts of nonrefundable credits allowed
1 21 under this division for the taxable year shall be refunded with
1 22 interest computed under section 422.25. In lieu of claiming
1 23 a refund, a taxpayer may elect to have the overpayment shown
1 24 on the taxpayer's final, completed return credited to the tax
1 25 liability for the following taxable year.
1 26 Sec. 2. Section 422.33, Code 2011, is amended by adding the
1 27 following new subsection:
1 28 NEW SUBSECTION. 29. The taxes imposed under this division
1 29 shall be reduced by a commercial property tax credit. A
1 30 corporation that owns real property assessed as commercial
1 31 property, or new commercial property, as defined in section
1 32 441.21, located in the state is eligible to receive a tax
1 33 credit equal to three percent of the total amount of property
1 34 taxes paid during the tax year on all such commercial property
1 35 or new commercial property owned by the corporation within



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Senate File 501 - Introduced continued

2 1 the state. Any credit in excess of the tax liability for the
2 2 taxable year shall be refunded with interest computed under
2 3 section 422.25. In lieu of claiming a refund, a taxpayer
2 4 may elect to have the overpayment shown on the taxpayer's
2 5 final, completed return credited to the tax liability for the
2 6 following taxable year.
2 7 Sec. 3. Section 422.60, Code 2011, is amended by adding the
2 8 following new subsection:
2 9 NEW SUBSECTION. 13. The taxes imposed under this division
2 10 shall be reduced by a commercial property tax credit in the
2 11 same manner, for the same amount, and under the same conditions
2 12 as provided in section 422.11Y.
2 13 Sec. 4. NEW SECTION. 432.12M Commercial property tax
2 14 credit.
2 15 The taxes imposed under this chapter shall be reduced by a
2 16 commercial property tax credit in the same manner, for the same
2 17 amount, and under the same conditions as provided in section
2 18 422.11Y.
2 19 Sec. 5. Section 441.21, subsection 5, Code 2011, is amended
2 20 to read as follows:
2 21 5. a. For valuations established as of January 1, 1979,
2 22 commercial property and industrial property, excluding
2 23 properties referred to in section 427A.1, subsection 8, shall
2 24 be assessed as a percentage of the actual value of each class
2 25 of property. The percentage shall be determined for each
2 26 class of property by the director of revenue for the state in
2 27 accordance with the provisions of this section. For valuations
2 28 established as of January 1, 1979, the percentage shall be
2 29 the quotient of the dividend and divisor as defined in this
2 30 section. The dividend for each class of property shall be the
2 31 total actual valuation for each class of property established
2 32 for 1978, plus six percent of the amount so determined. The
2 33 divisor for each class of property shall be the valuation
2 34 for each class of property established for 1978, as reported
2 35 by the assessors on the abstracts of assessment for 1978,



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Senate File 501 - Introduced continued

3 1 plus the amount of value added to the total actual value by
3 2 the revaluation of existing properties in 1979 as equalized
3 3 by the director of revenue pursuant to section 441.49. For
3 4 valuations established as of January 1, 1979, property valued
3 5 by the department of revenue pursuant to chapters 428, 433,
3 6 437, and 438 shall be considered as one class of property and
3 7 shall be assessed as a percentage of its actual value. The
3 8 percentage shall be determined by the director of revenue in
3 9 accordance with the provisions of this section. For valuations
3 10 established as of January 1, 1979, the percentage shall be
3 11 the quotient of the dividend and divisor as defined in this
3 12 section. The dividend shall be the total actual valuation
3 13 established for 1978 by the department of revenue, plus ten
3 14 percent of the amount so determined. The divisor for property
3 15 valued by the department of revenue pursuant to chapters 428,
3 16 433, 437, and 438 shall be the valuation established for 1978,
3 17 plus the amount of value added to the total actual value by
3 18 the revaluation of the property by the department of revenue
3 19 as of January 1, 1979. For valuations established as of
3 20 January 1, 1980, commercial property and industrial property,
3 21 excluding properties referred to in section 427A.1, subsection
3 22 8, shall be assessed at a percentage of the actual value of
3 23 each class of property. The percentage shall be determined
3 24 for each class of property by the director of revenue for the
3 25 state in accordance with the provisions of this section. For
3 26 valuations established as of January 1, 1980, the percentage
3 27 shall be the quotient of the dividend and divisor as defined in
3 28 this section. The dividend for each class of property shall
3 29 be the dividend as determined for each class of property for
3 30 valuations established as of January 1, 1979, adjusted by the
3 31 product obtained by multiplying the percentage determined
3 32 for that year by the amount of any additions or deletions to
3 33 actual value, excluding those resulting from the revaluation
3 34 of existing properties, as reported by the assessors on the
3 35 abstracts of assessment for 1979, plus four percent of the



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Senate File 501 - Introduced continued

4 1 amount so determined. The divisor for each class of property
4 2 shall be the total actual value of all such property in 1979,
4 3 as equalized by the director of revenue pursuant to section
4 4 441.49, plus the amount of value added to the total actual
4 5 value by the revaluation of existing properties in 1980. The
4 6 director shall utilize information reported on the abstracts of
4 7 assessment submitted pursuant to section 441.45 in determining
4 8 such percentage. For valuations established as of January 1,
4 9 1980, property valued by the department of revenue pursuant
4 10 to chapters 428, 433, 437, and 438 shall be assessed at a
4 11 percentage of its actual value. The percentage shall be
4 12 determined by the director of revenue in accordance with the
4 13 provisions of this section. For valuations established as of
4 14 January 1, 1980, the percentage shall be the quotient of the
4 15 dividend and divisor as defined in this section. The dividend
4 16 shall be the total actual valuation established for 1979 by
4 17 the department of revenue, plus eight percent of the amount so
4 18 determined. The divisor for property valued by the department
4 19 of revenue pursuant to chapters 428, 433, 437, and 438 shall be
4 20 the valuation established for 1979, plus the amount of value
4 21 added to the total actual value by the revaluation of the
4 22 property by the department of revenue as of January 1, 1980.
4 23 For valuations established as of January 1, 1981, and each year
4 24 thereafter, the percentage of actual value as equalized by the
4 25 director of revenue as provided in section 441.49 at which
4 26 commercial property that is not new commercial property, as
4 27 defined in paragraph "b", and industrial property, excluding
4 28 properties referred to in section 427A.1, subsection 8, shall
4 29 be assessed shall be calculated in accordance with the methods
4 30 provided herein, except that any references to six percent
4 31 in this subsection shall be four percent. For valuations
4 32 established as of January 1, 1981, and each year thereafter,
4 33 the percentage of actual value at which property valued by
4 34 the department of revenue pursuant to chapters 428, 433, 437,
4 35 and 438 shall be assessed shall be calculated in accordance



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Senate File 501 - Introduced continued

5 1 with the methods provided herein, except that any references
5 2 to ten percent in this subsection shall be eight percent.
5 3 Beginning with valuations established as of January 1, 1979,
5 4 and each year thereafter, property valued by the department of
5 5 revenue pursuant to chapter 434 shall also be assessed at a
5 6 percentage of its actual value which percentage shall be equal
5 7 to the percentage determined by the director of revenue for
5 8 commercial property, industrial property, or property valued by
5 9 the department of revenue pursuant to chapters 428, 433, 437,
5 10 and 438, whichever is lowest.

5 11 b. (1) For valuations established on or after January 1,
5 12 2012, but before January 1, 2016, new commercial property,
5 13 excluding properties referred to in section 427A.1, subsection
5 14 8, shall be assessed as a percentage of the actual value as
5 15 determined in this paragraph "b".

5 16 (2) For valuations established for assessment years
5 17 beginning on or after January 1, 2012, but before January
5 18 1, 2016, the percentage of actual value as equalized by the
5 19 director of revenue as provided in section 441.49 at which new
5 20 commercial property shall be assessed shall be sixty percent.

5 21 (3) For purposes of this section, "new commercial property"
5 22 means a parcel of real estate containing no buildings or
5 23 structures on July 1, 2011, upon which the construction of
5 24 buildings or structures is commenced after July 1, 2011, and
5 25 that, but for this paragraph, would be assessed under paragraph
5 26 "a". "New commercial property" shall be considered a separate
5 27 classification of property.

5 28 Sec. 6. Section 441.21, subsection 8, paragraph b, Code
5 29 2011, is amended to read as follows:

5 30 b. Notwithstanding paragraph "a", any construction or
5 31 installation of a solar energy system on property classified
5 32 as agricultural, residential, commercial, new commercial, or
5 33 industrial property shall not increase the actual, assessed and
5 34 taxable values of the property for five full assessment years.

5 35 Sec. 7. Section 441.21, subsections 9 and 10, Code 2011, are



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Senate File 501 - Introduced continued

6 1 amended to read as follows:

6 2 9. Not later than November 1, 1979, and November 1 of
6 3 each subsequent year, the director shall certify to the
6 4 county auditor of each county the percentages of actual
6 5 value at which residential property, agricultural property,
6 6 commercial property, new commercial property, industrial
6 7 property, and property valued by the department of revenue
6 8 pursuant to chapters 428, 433, 434, 437, and 438 in each
6 9 assessing jurisdiction in the county shall be assessed for
6 10 taxation. The county auditor shall proceed to determine the
6 11 assessed values of agricultural property, residential property,
6 12 commercial property, new commercial property, industrial
6 13 property, and property valued by the department of revenue
6 14 pursuant to chapters 428, 433, 434, 437, and 438 by applying
6 15 such percentages to the current actual value of such property,
6 16 as reported to the county auditor by the assessor, and the
6 17 assessed values so determined shall be the taxable values of
6 18 such properties upon which the levy shall be made.

6 19 10. The percentage of actual value computed by the
6 20 director for agricultural property, residential property,
6 21 commercial property, new commercial property, industrial
6 22 property, and property valued by the department of revenue
6 23 pursuant to chapters 428, 433, 434, 437, and 438 and used to
6 24 determine assessed values of those classes of property does not
6 25 constitute a rule as defined in section 17A.2, subsection 11.

6 26 Sec. 8. Section 533.329, subsection 2, Code 2011, is amended
6 27 by adding the following new paragraph:

6 28 NEW PARAGRAPH. 1. The moneys and credits tax imposed under
6 29 this section shall be reduced by a commercial property tax
6 30 credit in the same manner, for the same amount, and under the
6 31 same conditions as provided in section 422.11Y.

6 32 Sec. 9. APPLICABILITY.

6 33 1. The sections of this Act amending section 441.21 apply
6 34 to property tax assessment years beginning on or after January
6 35 1, 2012.



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Senate File 501 - Introduced continued

7 1 2. The sections of this Act enacting section 422.11Y,
7 2 section 422.33, subsection 29, section 422.60, subsection 13,
7 3 section 432.12M, and section 533.329, subsection 2, paragraph
7 4 "1", apply to tax years beginning on or after January 1, 2012.

7 5 EXPLANATION

7 6 This bill establishes a new commercial property
7 7 classification. "New commercial property" is defined in
7 8 the bill as a parcel of real estate containing no buildings
7 9 or structures on July 1, 2011, upon which the construction
7 10 of buildings or structures is commenced after July 1, 2011,
7 11 and that, but for the classification, would be assessed as
7 12 commercial property. For assessment years beginning on or
7 13 after January 1, 2012, the percentage of actual value at which
7 14 new commercial property is assessed is 60 percent.

7 15 The bill also makes corresponding changes to other
7 16 provisions of Code section 441.21.

7 17 The bill establishes an individual income tax credit for
7 18 persons who own and pay property taxes on commercial property
7 19 or new commercial property, as defined in the bill, located
7 20 in the state. Each person is eligible to receive an income
7 21 tax credit equal to 3 percent of the total amount of property
7 22 taxes paid by the person during the tax year on all commercial
7 23 property owned by the person within the state. The tax credit
7 24 is refundable.

7 25 The bill establishes a corporate income tax credit for
7 26 corporations that own and pay property taxes on commercial
7 27 property or new commercial property, as defined in the bill,
7 28 located in the state. Each corporation that owns and pays
7 29 property taxes on commercial property or new commercial
7 30 property located in the state is eligible to receive a tax
7 31 credit equal to 3 percent of the total amount of property taxes
7 32 paid during the tax year on all commercial property or new
7 33 commercial property owned by the corporation within the state.
7 34 Any credit in excess of the tax liability is refundable.

7 35 The bill also provides a commercial property tax credit



**Iowa General Assembly
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Senate File 501 - Introduced continued

8 1 against the franchise tax, the insurance premiums tax, and the
8 2 moneys and credits tax imposed under Code chapters 422, 432,
8 3 and 533, respectively. Such credits are for the same amount
8 4 and are administered in the same manner as the individual
8 5 income tax credit created in the bill.
8 6 The bill applies to property tax assessment years beginning
8 7 on or after January 1, 2012. The sections of the bill enacting
8 8 new Code sections 422.11Y and 432.12M, Code section 422.33, new
8 9 subsection 29, Code section 422.60, new subsection 13, and Code
8 10 section 533.329, subsection 2, new paragraph "1", apply to tax
8 11 years beginning on or after January 1, 2012.

LSB 1810XS (10) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate Resolution 6 - Introduced

PAG LIN

SENATE RESOLUTION NO.

BY BOETTGER and BOWMAN

1 1 A Resolution to recognize March 2011 as Iowa Women's
1 2 History Month.

1 3 WHEREAS, Iowa women of every race, class, and
1 4 ethnic background have made historic contributions
1 5 to the growth and strength of our state and nation
1 6 in countless recorded and unrecorded ways, including
1 7 through the struggle for women's rights; and

1 8 WHEREAS, Iowa women have played and continue to
1 9 play a critical economic, cultural, and social role by
1 10 constituting a significant portion of the labor force
1 11 working inside and outside of the home, despite being
1 12 underpaid; and

1 13 WHEREAS, Iowa women were particularly important in
1 14 the establishment of early charitable, philanthropic,
1 15 and cultural institutions in our state and nation; and

1 16 WHEREAS, Iowa women and men amended Article I,
1 17 section 1, of the Constitution of Iowa to read that
1 18 "All men and women are, by nature, free and equal, and
1 19 have certain inalienable rights"; and

1 20 WHEREAS, Iowa women have been leaders in business
1 21 and industry as well as the abolitionist movement, the
1 22 emancipation movement, the industrial labor movement,
1 23 the civil rights movement, the peace movement, and the
1 24 women's suffrage movement, which have created a more
1 25 fair and just society for all; and

1 26 WHEREAS, despite these contributions, and those
1 27 of women throughout the world, the role of women
1 28 has been consistently overlooked and undervalued in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills**

Senate Resolution 6 - Introduced continued

2 1 the literature, teaching, and study of history; NOW
2 2 THEREFORE,
2 3 BE IT RESOLVED BY THE SENATE, That the Senate
2 4 recognizes the month of March 2011 as Iowa Women's
2 5 History Month and invites the citizens of Iowa to
2 6 continue to uncover the roles women have played
2 7 throughout history.

LSB 2738SS (1) 84

jr/rj



Iowa General Assembly
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Senate Resolution 7 - Introduced

PAG LIN

SENATE RESOLUTION NO.

BY BARTZ, JOHNSON, KETTERING, HAHN, SODDERS, BEHN,
RAGAN, HAMERLINCK, BACON, KIBBIE, GRONSTAL,
SCHOENJAHN, RIELLY, KAPUCIAN, BOETTGER, FEENSTRA,
BEALL, CHELGREN, HANCOCK, WILHELM, SEYMOUR, DANDEKAR,
McKINLEY, ERNST, FRAISE, and SORENSON

1 1 A Resolution urging the nullification of rules adopted
1 2 by the United States Environmental Protection
1 3 Agency relating to national emissions standards for
1 4 hazardous air pollutants for reciprocating internal
1 5 combustion engines.

1 6 WHEREAS, the United States Environmental
1 7 Protection Agency in March 2000 finalized national
1 8 emissions standards for hazardous air pollutants for
1 9 reciprocating internal combustion engines which are to
1 10 take effect in May 2013; and

1 11 WHEREAS, the rules would have a devastating impact
1 12 on Iowa's municipal utilities due to the fact that the
1 13 municipal utilities collectively operate 287 diesel
1 14 electric generators with a combined nameplate capacity
1 15 of 548 megawatts; and

1 16 WHEREAS, these rules impact 68 utilities that serve
1 17 a total of 106,000 customers with an average of 1,560
1 18 customer meters per utility; and

1 19 WHEREAS, Iowa's municipal electric utilities
1 20 operate diesel generators both to be able to keep the
1 21 lights on when transmissions lines are downed by ice,
1 22 wind, floods, or other natural disasters or man-made
1 23 emergencies, and to meet the obligation to own or buy
1 24 reserve capacity; and



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Senate Resolution 7 - Introduced continued

2 1 WHEREAS, the rules allow a municipal electric
2 2 utility to run diesel generators in an emergency, but
2 3 effectively take away the ability of a small community
2 4 to afford them by prohibiting the receipt of payment or
2 5 credit for reserve capacity; and
2 6 WHEREAS, the diesel generators run only a few hours
2 7 a year, with averages ranging from 14 to 46 hours
2 8 depending on power supply arrangements; and
2 9 WHEREAS, the application of the rules requires that
2 10 each of these engines either be retrofit, replaced,
2 11 or removed, resulting in huge cost increases to the
2 12 citizen owners of these utilities in the form of rate
2 13 increases and lost capacity; and
2 14 WHEREAS, the cost estimate if all 287 diesel
2 15 generators were to be retrofit for compliance over a
2 16 10-year period is \$36 million, which is an average
2 17 cost of \$29.24 per month per customer, and such cost
2 18 estimates would increase beyond this amount if diesel
2 19 generators are replaced or taken out of service; NOW
2 20 THEREFORE,
2 21 BE IT RESOLVED BY THE SENATE, That the United States
2 22 Environmental Protection Agency is urged to rescind
2 23 the national emissions standards for hazardous air
2 24 pollutants for reciprocating internal combustion
2 25 engines; and
2 26 BE IT FURTHER RESOLVED, That Iowa's Congressional
2 27 delegation is urged to take action to nullify the
2 28 rules; and
2 29 BE IT FURTHER RESOLVED, That the Secretary of the
2 30 Senate shall forward a copy of this resolution to



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate Resolution 7 - Introduced continued

3 1 the Administrator of the United States Environmental
3 2 Protection Agency and all members of Iowa's
3 3 Congressional delegation.

LSB 2717SS (5) 84

tm/nh



Iowa General Assembly
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Senate Study Bill 1189

SENATE FILE

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act providing for the exclusion of costs associated with
2 installation of a geothermal heating or cooling system
3 from a residence's property value for purposes of property
4 taxation and including applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2675XC (3) 84

rn/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate Study Bill 1189 continued

PAG LIN

1 1 Section 1. Section 441.21, subsection 8, Code 2011, is
1 2 amended to read as follows:
1 3 8. a. Any normal and necessary repairs to a building, not
1 4 amounting to structural replacements or modification, shall not
1 5 increase the taxable value of the building. This paragraph
1 6 applies only to repairs of two thousand five hundred dollars
1 7 or less per building per year.
1 8 b. Notwithstanding paragraph "a", any construction or
1 9 installation of a solar energy system on property classified as
1 10 agricultural, residential, commercial, or industrial property
1 11 shall not increase the actual, assessed, and taxable values of
1 12 the property for five full assessment years.
1 13 ~~e.~~ (1) As used in this ~~subsection~~ paragraph "b", "solar
1 14 energy system" means either of the following:
1 15 ~~(1)~~ (a) A system of equipment capable of collecting
1 16 and converting incident solar radiation or wind energy into
1 17 thermal, mechanical or electrical energy and transforming these
1 18 forms of energy by a separate apparatus to storage or to a
1 19 point of use which is constructed or installed after January
1 20 1, 1978.
1 21 ~~(2)~~ (b) A system that uses the basic design of the building
1 22 to maximize solar heat gain during the cold season and to
1 23 minimize solar heat gain in the hot season and that uses
1 24 natural means to collect, store, and distribute solar energy
1 25 which is constructed or installed after January 1, 1981.
1 26 ~~d.~~ (2) In assessing and valuing the property for tax
1 27 purposes, the assessor shall disregard any market value added
1 28 by a solar energy system to a building. The director of
1 29 revenue shall adopt rules, after consultation with the office
1 30 of energy independence, specifying the types of equipment and
1 31 structural components to be included under the guidelines
1 32 provided in this subsection.
1 33 c. Notwithstanding paragraph "a", any new or retrofitted
1 34 construction or installation of a geothermal heating or cooling
1 35 system on property classified as residential shall not increase



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Senate Study Bill 1189 continued

2 1 the actual, assessed, and taxable values of the property for
2 2 ten full assessment years. In assessing and valuing the
2 3 property for tax purposes, the assessor shall disregard any
2 4 market value added by a geothermal heating or cooling system to
2 5 a residential building. For the purposes of this paragraph,
2 6 to the extent market value would be increased by the addition
2 7 of mechanical, electrical, plumbing, ductwork, or other
2 8 equipment, labor, and expenses included in or required for the
2 9 construction or installation of the geothermal system, they
2 10 shall also be disregarded, as shall the proportionate value
2 11 of any well field associated with the system and attributable
2 12 to the owner. The director of revenue shall adopt rules to
2 13 implement this paragraph.

2 14 Sec. 2. APPLICABILITY. This Act applies to assessment years
2 15 beginning on or after January 1, 2012.

2 16 EXPLANATION

2 17 This bill provides that a geothermal heating or cooling
2 18 system constructed or installed on new or existing residential
2 19 property will not increase the value of the property for
2 20 purposes of property taxation for 10 full assessment years.
2 21 The bill directs the assessor to disregard any market value
2 22 added by a geothermal heating or cooling system and, to
2 23 the extent market value would be increased, to disregard
2 24 mechanical, electrical, plumbing, ductwork, or other
2 25 equipment, labor, and expenses included in or required for the
2 26 construction or installation of the geothermal system. The
2 27 bill provides that the assessed value will also not include
2 28 the proportionate value of any well field associated with the
2 29 system and attributable to the owner.

2 30 The bill applies to assessment years beginning on or after
2 31 January 1, 2012.



Iowa General Assembly
Daily Bills, Amendments & Study Bills

Senate Study Bill 1190

SENATE FILE

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to local government funding by authorizing
2 cities and counties to impose a local public safety
3 fee on the rental of certain lodging, authorizing the
4 establishment of public safety districts, modifying certain
5 city and township property tax levy rates, and including
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2345SC (3) 84
md/sc



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Senate Study Bill 1190 continued

PAG LIN

1 1 Section 1. Section 359.43, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. The township trustees ~~may~~ shall levy an annual tax
1 4 ~~of not exceeding less than forty and one-half cents per~~
1 5 ~~thousand dollars of assessed value of the taxable property~~
1 6 ~~in the township and not exceeding eighty cents per thousand~~
1 7 ~~dollars of assessed value of taxable property in the township,~~
1 8 ~~excluding property within a benefited fire district or within~~
1 9 ~~the corporate limits of a city, for the purpose of exercising~~
1 10 ~~the powers and duties specified in section 359.42. However,~~
~~1 11 in a township having a fire protection service or emergency~~
~~1 12 medical service agreement or both service agreements with~~
~~1 13 a special charter city having a paid fire department, the~~
~~1 14 township trustees may levy an annual tax not exceeding~~
~~1 15 fifty-four cents per thousand dollars of the assessed value of~~
~~1 16 the taxable property for the services authorized or required~~
~~1 17 under section 359.42 and in a township which is located within~~
~~1 18 a county having a population of three hundred thousand or more,~~
~~1 19 the township trustees may levy an annual tax not exceeding~~
~~1 20 sixty-seven and one-half cents per thousand dollars of assessed~~
~~1 21 value of taxable property for the services authorized or~~
~~1 22 required under section 359.42.~~
1 23 Sec. 2. Section 384.1, Code 2011, is amended to read as
1 24 follows:
1 25 384.1 Taxes certified.
1 26 A city may certify taxes to be levied by the county on
1 27 all taxable property within the city limits, for all city
1 28 government purposes. However, the tax levied by a city on
1 29 tracts of land and improvements thereon used and assessed
1 30 for agricultural or horticultural purposes, shall not exceed
1 31 three dollars and three-eighths cents per thousand dollars
1 32 of assessed value in any year. Improvements located on such
1 33 tracts of land and not used for agricultural or horticultural
1 34 purposes and all residential dwellings are subject to the same
1 35 rate of tax levied by the city on all other taxable property



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2 1 within the city. A city's tax levy for the general fund shall
2 2 not exceed eight dollars and ten cents per thousand dollars of
2 3 taxable value in any tax year, except for the levies authorized
2 4 in section 384.12. However, if a city is imposing a public
2 5 safety charge under section 384.84, subsection 7A, the city's
2 6 tax levy for the general fund shall not exceed six dollars and
2 7 seventy cents per thousand dollars of taxable value in any tax
2 8 year, except for the levies authorized in section 384.12.

2 9 Sec. 3. Section 384.84, subsection 4, paragraph a,
2 10 subparagraph (1), Code 2011, is amended to read as follows:
2 11 (1) Except as provided in paragraph "d", all rates or
2 12 charges for the services of sewer systems, storm water drainage
2 13 systems, sewage treatment, solid waste collection, water,
2 14 solid waste disposal, public safety services, or any of these
2 15 services, if not paid as provided by ordinance of the council
2 16 or resolution of the trustees, are a lien upon the property or
2 17 premises served by any of these services upon certification to
2 18 the county treasurer that the rates or charges are due.

2 19 Sec. 4. Section 384.84, Code 2011, is amended by adding the
2 20 following new subsection:

2 21 NEW SUBSECTION. 7A. a. A governing body may declare
2 22 all or a certain portion of the improved properties located
2 23 within that city as a public safety district for the purpose
2 24 of establishing, imposing, adjusting, and providing for the
2 25 collection of the public safety charge as provided in this
2 26 section. The ordinance provisions for collection of a public
2 27 safety charge may prescribe a formula for determination of the
2 28 charge which may include criteria and standards that allocate
2 29 the city's aggregate public safety expenditures to the improved
2 30 properties within the district, including properties totally or
2 31 partially exempt from taxation under chapter 404, chapter 404B,
2 32 section 427.1, or section 427B.1. A public safety charge shall
2 33 become effective for the fiscal year beginning July 1 following
2 34 adoption of the ordinance.

2 35 b. For the purposes of imposing and collecting a public



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3 1 safety charge under this subsection, the property in the
3 2 district shall, pursuant to section 427.1, subsection 18, be
3 3 valued and assessed in accordance with chapter 441. Such
3 4 property owners shall be entitled to protest any assessment and
3 5 take appeals in the same manner as any taxpayer.

3 6 c. All amounts collected from a public safety charge under
3 7 this subsection shall be expended exclusively for the city's
3 8 budgeted public safety expenditures for police, fire, and
3 9 emergency medical services.

3 10 d. A city imposing a public safety charge under this
3 11 subsection shall not impose a public safety fee under section
3 12 423A.4A.

3 13 e. Each city imposing a public safety charge shall provide
3 14 a copy of the ordinance to the city finance committee and shall
3 15 continue to provide information requested by the city finance
3 16 committee that is necessary to evaluate the effectiveness of
3 17 the public safety charge authorized in this subsection.

3 18 f. Public safety charges imposed pursuant to this
3 19 subsection, if not paid as provided in the ordinance, are a
3 20 lien upon the property or premises that is provided public
3 21 safety services by the city upon certification to the county
3 22 treasurer that such charges are due.

3 23 Sec. 5. NEW SECTION. 423A.4A Local public safety fee.

3 24 1. A city may impose by ordinance of the city council a
3 25 public safety fee at a rate not to exceed one dollar and fifty
3 26 cents per night of lodging rental. The fee shall apply only
3 27 within the corporate boundaries of that city.

3 28 2. The fee shall be collected by the lessor of lodging from
3 29 the user of that lodging. The lessor shall add the fee to the
3 30 sales price of the lodging, and the fee shall be stated as a
3 31 distinct item, separate and apart from the sales price of the
3 32 lodging and taxes imposed, if any, under section 423A.3 or
3 33 423A.4.

3 34 3. Public safety fees collected by a lessor shall be due and
3 35 payable to the city according to a schedule specified in the



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4 1 ordinance. A lessor is liable for the payment of fees to the
4 2 city in the same manner as liability is imposed on retailers
4 3 for the payment of taxes under sections 421.26 and 421.28.

4 4 4. Fees received by a city under this section shall be
4 5 deposited in a public safety fee account within the city's
4 6 general fund. All fees collected under this section are deemed
4 7 to be held in trust for the applicable city that is imposing
4 8 the fee.

4 9 5. a. Moneys in the public safety fee account within the
4 10 city general fund shall be used for that city's costs related
4 11 to public safety services including police, fire, and emergency
4 12 medical services within the applicable city.

4 13 b. A city imposing a public safety fee under this section
4 14 shall not establish a public safety district under section
4 15 384.84, subsection 7A.

4 16 6. An ordinance imposing a fee under this section shall
4 17 designate an applicable city officer to receive payments
4 18 from lessors and to prescribe any forms necessary for the
4 19 collection, reporting, and payment of such fees.

4 20 Sec. 6. Section 423A.5, Code 2011, is amended by adding the
4 21 following new subsection:

4 22 NEW SUBSECTION. 3. All of the following are exempt from any
4 23 fee imposed under section 423A.4A:

4 24 a. The renting of lodging which is rented by the same person
4 25 for a period of more than thirty-one consecutive days.

4 26 b. The renting of sleeping rooms in dormitories and in the
4 27 memorial unions at all universities and colleges located in the
4 28 state of Iowa.

4 29 c. The lodging furnished to the guests of a religious
4 30 institution if the property is exempt under section 427.1,
4 31 subsection 8, and the purpose of renting is to provide a
4 32 place for a religious retreat or function and not a place for
4 33 transient guests generally.

4 34 Sec. 7. APPLICABILITY. The section of this Act amending
4 35 section 259.43 applies to property taxes due and payable in the



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Senate Study Bill 1190 continued

5 1 fiscal year beginning July 1, 2012.

5 2 EXPLANATION

5 3 This bill relates to local government funding.

5 4 Current law allows townships to levy an amount not exceeding
5 5 40 1/2 cents per \$1,000 of assessed value of the taxable
5 6 property in the township for fire protection service and, if
5 7 the township chooses to provide emergency medical service, for
5 8 emergency medical services. In townships that contract with a
5 9 special charter city to provide these services, the levy limit
5 10 is 54 cents per \$1,000 of assessed value. In townships located
5 11 in a county with a population of 300,000 or more, the levy
5 12 limit is 67 1/2 cents per \$1,000 of assessed value.

5 13 This bill requires all townships to impose a levy of not
5 14 less than 40 1/2 cents and not exceeding 80 cents per \$1,000
5 15 of assessed value of the taxable property in the township,
5 16 excluding property within a benefited fire district or within
5 17 the corporate limits of a city, for fire protection service
5 18 and, if the township chooses to so provide, for emergency
5 19 medical service.

5 20 The bill enacts new Code section 384.84(7A) authorizing
5 21 cities to declare all or a certain portion of the improved
5 22 properties located within that city as a public safety district
5 23 for the purpose of establishing, imposing, adjusting, and
5 24 providing for the collection of a public safety charge. Under
5 25 the bill, the ordinance providing for collection of the public
5 26 safety charge may prescribe a formula for determination of
5 27 the charge. The bill allows the public safety charge to be
5 28 imposed on property that is otherwise exempt from property
5 29 taxes. The bill specifies that a public safety charge shall
5 30 become effective for the fiscal year beginning July 1 following
5 31 adoption of the ordinance.

5 32 The bill includes provisions for the valuation and
5 33 assessment of certain property located within a public safety
5 34 district, provisions designating the use of amounts collected
5 35 from a public safety charge, and provisions relating to



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6 1 reviewing the effectiveness of a public safety charge. The
6 2 bill provides that public safety charges, if not paid as
6 3 provided in the city ordinance, are a lien upon the property
6 4 or premises. The bill provides that a city imposing a public
6 5 safety charge shall not impose a public safety fee, as provided
6 6 for in the bill under new Code section 423A.4A.

6 7 Currently, a city's tax levy for the general fund shall
6 8 not exceed \$8.10 per \$1,000 of taxable value in any tax year,
6 9 except for specified supplemental levies authorized in Code
6 10 section 384.12. The bill provides that if a city is imposing
6 11 a public safety charge under new Code section 384.84(7A), the
6 12 city's tax levy for the general fund shall not exceed \$6.70
6 13 per \$1,000 of taxable value in any tax year, except for the
6 14 supplemental levies.

6 15 The bill authorizes cities to impose by ordinance of the city
6 16 council a lodging public safety fee at a rate not to exceed
6 17 \$1.50 per night of lodging rental. The fee applies only within
6 18 the corporate boundaries of that city.

6 19 The bill requires such fees to be collected by the lessor
6 20 of lodging from the user of the lodging. The fee is added to
6 21 the sales price of the lodging, and the fee must be stated as
6 22 a distinct item, separate from the sales price of the lodging
6 23 and other hotel and motel taxes imposed on the rental. The
6 24 fees collected by a lessor are paid to the city according to a
6 25 schedule specified by the city. The bill imposes liability on
6 26 a lessor for the payment of fees to the city in the same manner
6 27 as liability is imposed on retailers for the payment of certain
6 28 taxes.

6 29 The bill requires all public safety fees received by a city
6 30 to be deposited in a public safety fee account within the
6 31 city's general fund. Moneys in the public safety fee account
6 32 must be used for that city's costs related to public safety
6 33 services including fire, police, and emergency medical services
6 34 within the applicable city.

6 35 The bill prohibits a city that is imposing a public safety



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7 1 fee from establishing a public safety district under new Code
7 2 section 384.84(7A).
7 3 The bill exempts certain lodging rentals from the public
7 4 safety fee. The exemptions in the bill are similar to the
7 5 exemptions currently applicable to state and local hotel and
7 6 motel taxes under Code chapter 423A.
7 7 The section of the bill amending Code section 359.43 applies
7 8 to property taxes due and payable in the fiscal year beginning
7 9 July 1, 2012.
LSB 2345SC (3) 84
md/sc



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Senate Study Bill 1191

SENATE FILE

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act modifying provisions relating to the property tax
2 exemption for property owned by certain municipalities
3 and the Iowa national guard and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1457XC (2) 84
md/sc



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Senate Study Bill 1191 continued

PAG LIN

1 1 Section 1. Section 427.1, subsection 2, Code 2011, is
1 2 amended to read as follows:

1 3 2. Municipal and military property.

1 4 a. The property of a county, township, city, school
1 5 corporation, levee district, drainage district, or the Iowa
1 6 national guard, when devoted to public use and not held for
1 7 pecuniary profit, except property as provided in paragraph "e".

1 8 b. The exemption under paragraph "a" shall not apply to any
1 9 of the following:

1 10 (1) Property of a municipally owned electric utility
1 11 held under joint ownership and property of an electric power
1 12 facility financed under chapter 28F or 476A that shall be
1 13 subject to taxation under chapter 437A ~~and facilities.~~

1 14 (2) Facilities of a municipal utility that are used for the
1 15 provision of local exchange services pursuant to chapter 476,
1 16 but only to the extent such facilities are used to provide such
1 17 services, which shall be subject to taxation under chapter 433,
1 18 except that section 433.11 shall not apply.

1 19 c. The exemption for property owned by a city or county also
1 20 applies to property which is operated by a city or county as a
1 21 library, art gallery or museum, conservatory, botanical garden
1 22 or display, observatory or science museum, or as a location
1 23 for holding athletic contests, sports or entertainment events,
1 24 expositions, meetings, or conventions, or leased from the city
1 25 or county for any such purposes, or leased from the city or
1 26 county by the Iowa national guard or by a federal agency for
1 27 the benefit of the Iowa national guard when the property owned
1 28 by the city or county is devoted for public use and not for
1 29 pecuniary profit, except as provided in paragraph "e".

1 30 d. Food and beverages may be served at the events or
1 31 locations without affecting the exemptions, provided the city
1 32 has approved the serving of food and beverages on the property
1 33 if the property is owned by the city or the county has approved
1 34 the serving of food and beverages on the property if the
1 35 property is owned by the county. The exemption for property



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Senate Study Bill 1191 continued

2 1 owned by a city or county also applies to property which is
2 2 located at an airport and leased to a fixed base operator
2 3 providing aeronautical services to the public.
2 4 e. The exemption for property owned by a county, township,
2 5 city, school corporation, levee district, drainage district, or
2 6 the Iowa national guard under paragraph "a" shall also include
2 7 property held by such entities for pecuniary profit if such
2 8 property is leased to and used by a person who, if the person
2 9 owned the property, would qualify for an exemption authorized
2 10 by law. An exemption under this paragraph shall be limited
2 11 to the proportion of the exemption that the lessee would be
2 12 entitled to if the lessee owned the property.

2 13 Sec. 2. APPLICABILITY. This Act applies to assessment years
2 14 beginning on or after January 1, 2012.

2 15 EXPLANATION

2 16 Current Code section 427.1, subsection 2, provides a general
2 17 property tax exemption for the property of a county, township,
2 18 city, school corporation, levee district, drainage district,
2 19 or the Iowa national guard, when devoted to public use and not
2 20 held for pecuniary profit. This bill applies the exemption to
2 21 property held by such entities for pecuniary profit if such
2 22 property is leased to and used by a person who, if the person
2 23 owned the property, would qualify for an exemption authorized
2 24 by law. An exemption allowed under the bill is limited to the
2 25 proportion of the exemption that the lessee would be entitled
2 26 to if the lessee owned the property.

2 27 The bill applies to assessment years beginning on or after
2 28 January 1, 2012.

LSB 1457XC (2) 84

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